By Mr. MACGREGOR: Resolution (H. Res. 197) for the payment of additional compensation to the clerk of the Committee on Claims; to the Committee on Accounts.

Also, resolution (H. Res. 198) for the payment of additional compensation to the clerk of the Committee on the Judiciary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1552. Petition of National Home for Disabled Volunteer Soldiers, Soldiers Home, Calif., in reference to provisions of the bill H. R. 10240; to the Committee on World War Veterans' Legislation.

1553. By Mr. CAREW: Petition of the New York State Prison Commission, re alien criminal deportation; to the Committee on Immigration and Naturalization.

1554. By Mr. DARROW: Petition of the Philadelphia Board of Trade, favoring the passage of House bill 8052, amending the merchant marine act of 1920 and the shipping act of 1916; to the Committee on the Merchant Marine and Fisheries.

1555. Also, petition of the Philadelphia Board of Trade, urging the enactment of the bill providing for registration of aliens; to the Committee on Immigration and Naturalization.

1556. By Mr. FULLER: Petition of the United States Chamber of Commerce, urging favorable action on proposed legislation to increase the salaries of Federal judges; to the Committee on the Judiciary.

1557. Also, petition of U. J. Hoffman and others, favoring the enactment of House bill 5000; to the Committee on Education.

1558. Also, petition of custodian employees of Federal buildings, urging favorable action on House bill 5966; to the Committee on the Civil Service.

1559. Also, petition of Izaak Walton League of America, urging support of House bill 4079; to the Committee on the Public Lands.

1560. By Mr. GALLIVAN: Petition of John K. Howard, of Gaston, Snow, Saltonstall & Hunt, Shawmut Bank Building, Boston, Mass., recommending early and favorable consideration of House bill 7907 to increase salaries of Federal judges; to the Committee on the Judiciary.

1561. By Mr. GARBER: Petition of the citizens of Texas County, Okla., against the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1562. By Mr. HERSEY: Petition of Mrs. Mary Drake Jenne, Etna, Me., remonstrating against the passage of the Copeland-Bloom bill; to the Committee on the District of Columbia.

1563. By Mr. HILL of Maryland: Petition of Edgemoor Citizens' Association, of Montgomery County, Md., protesting against any measures providing for the construction of the proposed belt-line railroad, and particularly against favorable consideration of House bill 7823 and Senate bill 2796; to the Committee on Interstate and Foreign Commerce.

1564. By Mr. HUDSON: Petition of citizens of the sixth district of Michigan, protesting against House bill 7179, known as the Sunday observance bill; to the Committee on the District of Columbia.

1565. By Mr. LEATHERWOOD: Petition of Women's Relief Corps, Grand Army of the Republic, Department of Utah, requesting Congress to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1566. By Mr. LINTHICUM: Petition of Norman T. A. Munder & Co., Baltimore, remedying postal situation; to the Committee on the Post Office and Post Roads.

1567. Also, petition of the H. J. McGrath Co., Baltimore, opposing House bill 10502; to the Committee on Interstate and Foreign Commerce.

1568. Also, petition of Schloss Bros. & Co., Baltimore, opposing the "truth in fabrics bill"; to the Committee on Interstate and Foreign Commerce.

1569. Also, petition of George E. Kieffner, Baltimore, favoring House bill 8708; to the Committee on Interstate and Foreign Commerce.

1570. Also, petition of Gilbert Bros. & Co., Baltimore, Md., opposing House bill 9196; to the Committee on Interstate and Foreign Commerce.

1571. Also, petition of Rouse, Hempstone & Co.; Western Maryland Dairy, Baltimore, Md.; Finance Co. of America, Baltimore; Daniel Miller Co., Baltimore; Southern Supply Co., Baltimore, favoring passage of House bill 8119; to the Committee on the Judiciary.

1572. By Mr. MOONEY: Petition of certain commercial business concerns of Cleveland, Ohio, indorsing the Kelly-Capper bill; to the Committee on Interstate and Foreign Commerce.

1573. Also, resolution of City Council of Cleveland, unanimously adopted, protesting diversion of water from Lake Michigan by the city of Chicago; to the Committee on Rivers and Harbors.

1574. By Mr. O'CONNELL of New York: Petition of the Immigration Restriction League (Inc.), Brooklyn, N. Y., opposing the passage of Senate bill 1091; to the Committee on Immigration and Naturalization.

1575. Also, petition of the Dykes Lumber Co., of New York, favoring the passage of House bill 8119, to eliminate fraud through bankruptcy; to the Committee on the Judiciary.

1576. Also, petition of the United Spanish War Veterans, Department of New York, favoring the passage of House bill 98, now House bill 8132, to increase pensions of Spanish War veterans, their widows, and dependents; to the Committee on Pensions.

1577. By Mr. O'CONNELL of Rhode Island: Resolution of the Union of Holy Name Societies of the Diocese of Providence, R. I., protesting against the religious persecution and bolshevism now being carried on in Mexico; to the Committee on Foreign Affairs.

1578. By Mrs. ROGERS: Petition of citizens of Andover, Mass., indorsing House bill 4023, Civil War pensions; to the Committee on Invalid Pensions.

1579. By Mr. RUBEY: Petition of citizens of Greene County, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

1580. By Mr. SINCLAIR: Petition of the members of the Board of University and School Lands of the State of North Dakota, in favor of the passage of legislation to safeguard the interests of the purchasers of school lands containing minerals; to the Committee on the Public Lands.

1581. By Mr. SMITH: Petition of 179 citizens of Burley, Idaho; 38 citizens from Pocatello, Idaho; and 348 citizens from Twin Falls, Idaho, protesting against any amendment to the Volstead Act; to the Committee on the Judiciary.

1582. By Mr. SWING: Petition of certain residents of San Bernardino, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *March 31, 1926*

(Legislative day of Saturday, March 27, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. COPELAND obtained the floor.

Mr. EDGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Kendrick	Reed, Pa.
Bayard	Ferris	Keyes	Robinson, Ind.
Bingham	Fletcher	King	Sheppard
Blease	Frazier	McKellar	Shipstead
Borah	George	McLean	Shortridge
Bratton	Gillett	McNary	Simmons
Brookhart	Glass	Mayfield	Smith
Broussard	Goff	Means	Smoot
Bruce	Gooding	Metcalf	Stanfield
Butler	Greene	Moses	Stephens
Cameron	Hale	Neely	Swanson
Capper	Harreld	Norris	Trammell
Caraway	Harris	Nye	Tyson
Copeland	Harrison	Oddie	Wadsworth
Couzens	Heflin	Overman	Walsh
Curtis	Howell	Phipps	Warren
Dale	Johnson	Pine	Wheeler
Dill	Jones, N. Mex.	Pittman	Williams
Edge	Jones, Wash.	Ransdell	Willis

Mr. HARRISON. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily absent on public business and that the Senator from Rhode Island [Mr. GERRY] is detained from the Senate by illness.

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present. The Senator from New York [Mr. COPELAND] is entitled to the floor.

Mr. HEFLIN. Mr. President——

Mr. COPELAND. I yield to the Senator from Alabama.

MUSCLE SHOALS

Mr. HEFLIN. I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 4),

providing for clerical and stenographic help for the Muscle Shoals committee. The Senator from South Carolina [Mr. SMITH] has withdrawn his objection.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment to strike out all after the resolving clause and insert a substitute.

Mr. HEFLIN. I sent to the desk three amendments to the committee substitute, which I ask may be adopted.

The VICE PRESIDENT. The amendments will be stated.

The CHIEF CLERK. On page 2, line 9, strike out the words "a civil engineer as technical adviser and"; in line 10 strike out the word "other"; and in line 18 strike out the numerals "$10,000" and insert in lieu thereof "$5,000," so as to make the concurrent resolution read:

Resolved, etc., That the Joint Committee on Muscle Shoals created by House Concurrent Resolution 4 of the Sixty-ninth Congress hereby is authorized in furtherance of the purposes of said resolution to summon engineers, experts, and other witnesses to testify under oath; to employ such clerical and expert assistants as may be deemed necessary, to employ a stenographer at a cost not exceeding 25 cents per hundred words to report such hearings and proceedings as may be held in connection herewith, the recommendations and findings of the joint committee to be submitted in conformity with the provisions of House Concurrent Resolution 4. The expenses incurred hereunder to be paid one-half from the contingent fund of the Senate, but not to exceed the sum of $5,000, and one-half from the contingent fund of the House of Representatives.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The concurrent resolution as amended was agreed to.

AMENDMENT OF RULE XXXVIII

Mr. PITTMAN. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield to the Senator from Nevada.

Mr. PITTMAN. Yesterday I gave notice in writing, which is found at page 6582 of the CONGRESSIONAL RECORD, that to-day I would call up the resolution (S. Res. 188) which was read and appears in the RECORD at page 6553, proposing certain amendments to paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate. If the Senator from New York desires to proceed with his speech, I shall not ask to take it up now. Inasmuch as this is the same legislative day as yesterday——

Mr. CURTIS. Mr. President, I think the resolution ought to go over until to-morrow, because there has been no adjournment, and consequently no new legislative day since the resolution was introduced.

Mr. PITTMAN. I will agree that it may go over until to-morrow. I understand we will have a new legislative day to-morrow.

Mr. NORRIS. Why can we not have an agreement to take it up to-morrow whether we adjourn to-day or not?

Mr. SMOOT. I ask the Senator if he will not allow the resolution to go over, because to-morrow I think we will take an adjournment.

Mr. PITTMAN. The Senator means that we will adjourn to-day?

Mr. SMOOT. No; to-morrow. Let the resolution go over until Friday.

Mr. NORRIS. I would like to make an inquiry before we make any agreement with reference to this matter. I do not know what the understanding is, but there is a contested-election case, a privileged question, which can be called up at any time, and any agreement which may be made ought to be entered into with an understanding of that situation. We ought not to make any agreement that will displace the contested case. Why can we not take up the resolution to-day? If the Senator wants to wait an hour or two, we can take it up later to-day.

Mr. PITTMAN. I am ready to take it up at any time. I simply want to suit the convenience of the Senate as much as possible.

Mr. CURTIS. I ask the Senator not to call it up to-day. I told two or three Senators that it would not come up this morning because this is the same legislative day as yesterday. So far as I am personally concerned, I am willing to take it up to-morrow; but the chairman of the committee having charge of the unfinished business would like to have the resolution go over until Friday. I understand that the contested-election case may come up at any time.

Mr. PITTMAN. I suggest that we have an understanding that the matter will come up on Friday morning.

Mr. CURTIS. There will be an adjournment to-morrow.

Mr. SMOOT. Yes; that is the intention.

Mr. PITTMAN. Very well; that is all right.

Mr. BINGHAM subsequently said: Mr. President, I ask unanimous consent for the reception at this time of a resolution, and for the printing in the RECORD of the resolution and certain sections of the Connecticut statutes in connection therewith. I ask unanimous consent that when the resolution offered by the Senator from Nevada [Mr. PITTMAN] and that offered by the Senator from South Carolina [Mr. BLEASE], regarding a change of the rules, are considered, this resolution may be considered.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NORRIS. I would like to have the suggested amendment read.

Mr. BINGHAM. May I say a word before the resolution is read? The statutes of the State of Connecticut for a great many years have recognized the principle that when the governor nominates a person for a very high office, it is wise, and in accordance with history and with the study of human nature, that the votes shall be in secret and held in such a way that no one may know how Senators vote, so that one Senator would not know how another sitting next to him voted, and the vote can never be revealed.

The sections of the statutes to which I refer are as follows:

CONNECTICUT STATUTES, REVISION OF 1918, CHAPTER 2: NOMINATION AND APPOINTMENT OF JUDGES

SEC. 51. Governor to nominate judges: No person shall be appointed judge of any court of common pleas or district court unless he has been nominated thereto by the governor.

SEC. 52. Nominations to be tabled and referred: Every nomination made by the governor to the general assembly for a judge of the supreme court of errors, superior court, court of common pleas, or district court shall lie upon the table and be printed in the calendar of the house where it is introduced for three consecutive legislative days after its introduction, and shall thereupon be referred, without debate, to the joint standing committee on the judiciary, who shall report thereon within six legislative days from the time of reference.

SEC. 53. Inferior court judges, nomination, reference: Every nomination made in either branch of the general assembly for judge of any town, city, borough, or police court shall be by the introduction of a resolution making such appointment, which resolution shall lie upon the table and be printed in the calendar of the house where it is introduced for three successive legislative days after its introduction, and shall thereupon be referred, without debate, to the joint standing committee on the judiciary.

SEC. 54. Ballot when required: All appointment of judges of any of said courts shall be by concurrent resolution, and the action upon the passage of each resolution in each branch of the general assembly, excepting those relating to the appointment of judges of town, city, borough, or police courts shall be by ballot, upon which shall be written or printed the word "yes" or "no," and no resolution shall contain the name of more than one nominee.

The principle of keeping such votes secret, which has long been recognized in Connecticut, and which has resulted in our having on our supreme court and the superior court and the courts of common pleas, I venture to say, without disregarding the rights and privileges of any other State, as high a class of men and as distinguished judges as are to be found in any State in the Union, has worked out so well in the case of the State which I have the honor in part to represent that I suggest the advisability of an amendment to our rules providing for a similar provision, and in order that Senators may have an opportunity to debate it I offer the resolution which I have sent to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution (S. Res. 190) was read, as follows:

Resolved, That the first sentence of paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate be amended to read as follows:

"All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret, and when so ordered by a majority of the Senators present the vote shall be by ballot upon which shall be written or printed the word 'yes' or 'no.'"

The VICE PRESIDENT. The resolution will lie over, under the rule.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 9832) granting an easement on public land to Adam Schellinger Post, No. 8, the American Legion, Department of Nebraska, Nebraska City, Nebr., in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9599) granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9007) granting the consent of Congress to the Cairo Bridge & Terminal Co. to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 989. An act to amend section 129 of the Judicial Code, relating to appeals in admiralty cases;

S. 1169. An act authorizing the Secretary of the Interior to convey certain lands in Powell town site, Shoshone reclamation project, Wyoming, to Park County, Wyo.

S. 1876. An act providing for the sale and disposal of public lands within the area heretofore surveyed as Booth Lake, in the State of Wisconsin;

S. 2519. An act to enable the board of supervisors of Santa Barbara County to maintain a free public bathing beach on certain public land; and

S. 2673. An act to amend the act approved June 3, 1896, entitled "An act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia."

PETITIONS AND MEMORIALS

Mr. KING. Mr. President, I have a resolution adopted by the Utah Chapter of the American Mining Congress at its annual meeting in Salt Lake City, indorsing Senate bill 756, introduced by Mr. PITTMAN, which directs the Secretary of the Treasury to complete silver purchases under the Pittman Act of April 23, 1918. I ask that the resolution may lie on the table.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. KING. Mr. President, I am also in receipt of a communication from the secretary of the Chamber of Commerce and Commercial Club of Salt Lake City, Utah, dated March 27, 1926, transmitting copy of a resolution which apparently was adopted by the Chamber of Commerce of the United States at its fourteenth annual meeting, in which support is given to Senate bill No. 1623, having for its object the quieting of title to school lands granted to various States. The letter also states that this resolution was adopted by the board of governors of said chamber of commerce and commercial club. I ask that the resolution be referred to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. It is so ordered.

Mr. McLEAN presented a letter in the nature of a memorial from L'Ordre des Forestiers Franco-Americains of Woonsocket, R. I., protesting against the passage of the so-called Curtis-Reed bill, creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of Division No. 867, International Brotherhood of Locomotive Engineers, of Waterbury, Conn., praying for the passage without amendment of the so-called railway labor bill, which was referred to the Committee on Interstate Commerce.

He also presented a telegram and a paper in the nature of petitions from Local No. 147, Post Office Clerks, of Hartford, and the Connecticut Branch, National Association of Postal Supervisors, of New Haven, both in the State of Connecticut, favoring the passage of the so-called civil-service employees' retirement bill, which were referred to the Committee on Civil Service.

He also presented a memorial of Centennial Lodge, No. 100, Independent Order of Odd Fellows, of Naugatuck, Conn., remonstrating against the passage of the so-called Kendall bill (H. R. 4478) to prevent the Government from printing stamped envelopes with return addresses in the corner, which was referred to the Committee on Post Offices and Post Roads.

He also presented letters in the nature of petitions from the Civitan Club and the Advertising Club, both of Bridgeport, Conn., praying for the passage of the public buildings bill and especially the construction of a new post-office building in the city of Bridgeport, Conn., which were referred to the Committee on Public Buildings and Grounds.

He also presented papers in the nature of petitions from Carl Shurz Unit, No. 22, Steuben Society of America, of Hartford; the New Britain German School Society of New Britain, and the N. B. Turners' Society, of New Britain, all in the State of Connecticut, favoring the passage of legislation providing for the return of appropriated alien property to its rightful owners, which were referred to the Committee on the Judiciary.

He also presented papers in the nature of petitions of Frederick A. Hill Camp, No. 15, United Spanish War Veterans, of Stamford, and United Spanish War Veterans, of New Britain, both in the State of Connecticut, favoring the passage of legislation providing for increased pensions to Spanish-American War veterans and their widows, which were referred to the Committee on Pensions.

He also presented papers in the nature of petitions of C. L. Russell Post, No. 68, Grand Army of the Republic, of Thomaston, and the Woman's Relief Corps, Buckingham Corps, No. 30, auxiliary to the Grand Army of the Republic, of Norwalk, both in the State of Connecticut, favoring the passage of legislation providing for increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. MEANS (for Mr. DENEEN), from the Committee on Claims, to which was referred the bill (H. R. 962) for the relief of the estate of William Fries, deceased, reported it without amendment and submitted a report (No. 507) thereon.

Mr. CARAWAY. I ask permission to report without recommendation from the Committee on Agriculture and Forestry the bill (S. 454) to prevent the sale of cotton and grain in future markets, and I submit a report (No. 508) thereon.

I merely want to call attention to the fact that the report is made. I hope to get early consideration of the measure. In view of the contention which has been made that the future markets reflect conditions in world prices I would like an opportunity, while the present stock market is in such condition as it now is, to show that that idea is an utter fallacy.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania, reported it without amendment and submitted a report (No. 509) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1490) to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York (Rept. No. 510); and

A bill (H. R. 6730) to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State (Rept. No. 511).

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 227) to provide for the appointment of an additional district judge for the district of Connecticut (Rept. No. 512); and

A bill (S. 475) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa (Rept. No. 513).

He also, from the same committee, to which was referred the bill (S. 1645) to provide for the appointment of an additional district judge for the middle district of Pennsylvania, reported adversely thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 2606) to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act; to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words; to prohibit false advertising; and for other purposes, reported it without amendment and submitted a report (No. 514) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 66) authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch, reported it with an amendment and submitted a report (No. 515) thereon.

Mr. TRAMMELL, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, reported it with amendments.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 565) limiting the

creation or extension of forest reserves in New Mexico and Arizona, reported it without amendment and submitted a report (No. 516) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes (Rept. No. 517); and

A bill (S. 675) granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city (Rept. No. 518).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 3790) to provide for transfer of jurisdiction over the Conduit Road, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WHEELER:

A bill (S. 3791) to make additions to the Absarokee and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. TRAMMELL:

A bill (S. 3792) to correct the military record of James Harvey Niver, deceased; to the Committee on Military Affairs.

By Mr. STEPHENS:

A bill (S. 3793) granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.; and

A bill (S. 3794) granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.; to the Committee on Commerce.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. STANFIELD submitted an amendment to increase the compensation of janitor under the office of Sergeant at Arms and Doorkeeper of the Senate from $1,520 to $2,040, intended to be proposed by him to House bill 10425, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF NATIONAL PROHIBITION ACT

Mr. EDGE submitted an amendment intended to be proposed by him to the bill (S. 34) to amend the national prohibition act, as supplemented, in respect to the issuance by physicians of prescriptions for intoxicating liquors, which was referred to the Committee on the Judiciary and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 3118) to amend the national prohibition act, as supplemented, with respect to the definition of intoxicating liquor, which was referred to the Committee on the Judiciary and ordered to be printed.

HOUSE BILL REFERRED

The bill (H. R. 9832) granting an easement on public land to Adam Schellinger Post, No. 8, the American Legion, Department of Nebraska, Nebraska City, Nebr., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

JOINT COMMITTEE ON TUBERCULIN TESTS AMONG DAIRY ANIMALS

Mr. CURTIS (for Mr. McKINLEY) submitted the following concurrent resolution (S. Con. Res. 8), which was referred to the Committee on Agriculture and Forestry:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of Congress to consist of three members of the Committee on Agriculture and Forestry of the Senate, to be appointed by the President of the Senate, and three members of the Committee on Agriculture of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is hereby authorized to investigate (1) the reliability, efficiency, and necessity of using tuberculin tests among dairy and breeding animals for eradication of the disease of tuberculosis; (2) the methods used by veterinarians in applying such tests; (3) the use and expenditure of public funds in connection with such tests; (4) whether or not the tuberculosis germ is transmitted from animals afflicted with tuberculosis through milk and milk products to a human being; (5) the effect of Pasteurization of milk on the tuberculosis germ; and (6) whether the tuberculin testing of dairy and breeding animals is a means of preservation and economy among herds. For the purposes of this resolution such committee is authorized to hold hearings and to sit and act at such times and places within the United States; to employ such experts and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives. The committee shall make a final report to the Congress as to its findings at the beginning of the second regular session of the Sixty-ninth Congress, together with recommendations for such legislation as it deems necessary.

CIVIL SERVICE RETIREMENT AND DISABILITY FUND (S. DOC. NO. 89)

Mr. STANFIELD. Mr. President, I again renew my request made on yesterday for unanimous consent to present to the Senate, with a view to its printing, the fifth annual report of the board of actuaries of the civil service retirement and disability fund. The senior Senator from Utah [Mr. SMOOT] objected to my request on yesterday under a misapprehension. The report of the actuaries is submitted to the Senate in conformity with law. I ask that the report may be printed as a Senate document and that 2,000 extra copies may be ordered printed for the use of the document room.

Mr. SMOOT. Mr. President, after my objection to the printing of the report as a public document on the statement that it was a departmental document, I examined the report and ascertained that it was submitted to the Senate in accordance with law. Therefore, there is no objection whatever to having it printed as a public document.

The VICE PRESIDENT. Without objection, the report will be printed as requested.

OIL AND GAS PERMITS

Mr. CAMERON. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 2461.

The PRESIDING OFFICER (Mr. BAYARD in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2461) to grant extension of time under oil and gas permits, which was on page 2, line 2, after the word "law," to insert the following: ", or has drilled wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration."

Mr. CAMERON. I move that the Senate concur in the House amendment.

The motion was agreed to.

TRANSPORTATION OF MONTANA ELK TO MASSACHUSETTS

Mr. WALSH. Mr. President, I would like to ask unanimous consent at this time for the consideration of Senate resolution 184, which I offered the other day with reference to the shipment of elk from Montana to Massachusetts. It is merely asking for information from the Department of Agriculture.

The Senator from Massachusetts [Mr. BUTLER] submitted a memorandum which he had received from the Department of Agriculture in relation to this matter in which the department states that the bison range is overstocked, and undoubtedly that is correct, and it becomes necessary to make some disposition of the excess elk. The department made the shipment of 400 head to the State of Massachusetts, 21 of them dying en route. The memorandum further states:

> We have not had a complete report from the association regarding expenses incurred in this undertaking, but it is understood that they have expended something like $15,000 for this purpose. We have been advised by the association that it intends to sell these elk to public and private parks, zoos, and similar institutions, using the surplus bulls for meat purposes, and we are informed that they have orders for more live elk than they can furnish. This company has a fenced area at Middleboro, Mass., and we understand that the acreage already controlled by the company is surrounded by large tracts of land that can be obtained at a very low rate, so that all the land needed to support the animals can be secured and they can be taken care of without difficulty.

Let me say that if that is the situation everybody will commend this enterprise for the disposal of the excess elk, but, frankly, Mr. President, the Boston newspapers, copies of which I have on my desk here, tell in the most elaborate way about this shipment of elk. I read from the Boston Globe of Monday, February 22, 1926, as follows:

> Percy R. Jones, of Middleboro, president of the association, is in charge of the shipment with an official of the Franklin Park Zoo,

Boston, as expert adviser. At the Neumsket range, where already there is a nucleus of a herd, the elk will be kept, bred, and fattened for the market.

The Elk Breeding and Grazing Association, which last year took over the partnership of E. B. Jones & Sons here, claims to be the only firm in the world which is raising elk on a commercial basis for the purpose of marketing the meat. The land was fenced in November, 1924, and the first herd of nine elk was brought here from Rushville, Ill., early in 1925. Officials of the association claim that elk thrive on less food than any other member of the deer family or any other animal near their size, are immune to disease, "dress heavier" than any other animal, and yield a meat far superior to any other on the market.

"Elk meat can be produced in many sections of this country at less per pound than beef, mutton, or pork," President Jones said in explaining the purpose of his company. "By laboratory tests it is shown that elk meat has one-third more nerve and energy building qualities and one-third less fattening qualities than beef, mutton, or pork, thus making it most desirable as a substitute for them."

All of which has led to the conclusion that these elk were shipped to the State of Massachusetts, there to be fattened and put upon the market. If that is the fact, we ought to know about it. The resolution, however, Mr. President, calls not only for the facts contained in this memorandum but also asks what plan the Department of Agriculture has in contemplation for the future disposition of these elk. If the department is going to raise elk on the bison range and then sell them for commercial purposes, the Senate ought to know it, so that we may act accordingly. I ask that the resolution be laid before the Senate.

Mr. BUTLER rose.

Mr. CURTIS. I have no objection to the adoption of the resolution. Has the Senator from Massachusetts any objection to its adoption?

Mr. BUTLER. Mr. President, I certainly have no objection to the adoption of the resolution at the present time. I should like to add, however, an observation which I have received in the form of a telegram from the president of the Elk Breeding and Grazing Association, which I desire to have included in the RECORD. I read the telegram, which is as follows:

MIDDLEBORO, MASS., *March 31, 1926.*

Senator WILLIAM M. BUTLER,
Washington, D. C.:

Regarding shipment of elk from Montana to my company in Massachusetts, which is the Elk Breeding and Grazing Association (Inc.) in Massachusetts. Not one elk has been killed of all elk shipped here on range. Have never killed any elk except one, 2-year-old male, raised here on home range, which was for our own table use. All elk are for breeding purposes, as shown by the name of our company. I have orders on hand for more live elk than I can raise for several years to come. Any further data you wish I will bring in person or forward by wife.

PERCY R. JONES,
President Elk Breeding and Grazing Association.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 184), submitted by Mr. WALSH on the 27th instant, was read, considered, and agreed to, as follows:

Resolved, That the Secretary of Agriculture be directed to transmit to the Senate information concerning the alleged shipment of 400 head of elk from the United States bison reserve, near Moiese, Mont., to the State of Massachusetts, the death of 21 thereof en route, and the slaughter of all or some considerable portion of those arriving alive at their destination, with copies of any contracts pursuant to which such shipment was made, and to report what representations, if any, were made concerning the disposition of animals inducing such contract, together with a statement of any plan of the department, matured or in contemplation, for the disposition of any portion of the herd on the said reserve, with a view to the limitation of the number grazed thereon.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. COPELAND. Mr. President, there is pending before the Senate the proposed Italian debt settlement. I desire to address the Senate briefly on that subject particularly and on the European debt settlements in general.

Mr. President, in considering any problem involving nations it is natural to hark back to one particular historical event. To each of us that event marks the beginning of a new era. I shall never forget driving into New York City from the peaceful valley where I live in the country. I learned of the sinking of the *Lusitania*. That event brought home to me a realization of what the war was to mean to the citizens of the United States.

At the very beginning of the turmoil a friend of mine said, "All the world will pay for this war." At that time it did not seem possible that the terrible events of war could happen, and that the misery and unhappiness which have prevailed since could actually come to vex a whole world.

It is true all the world has paid for this war, and it continues to pay. It is paying not alone in money but it is paying in grief and heartburnings. It is paying in misunderstandings and the consequences of misunderstandings.

In affairs of this sort there is a psychology which can not be disregarded. So long as there are discussions, incriminations, and recriminations there can be no happiness in the world. Until there is happiness and contentment the spirit of vengeance and hatred will live.

The war is over in that cannon are no longer fired and men are no longer killed in the trenches. But the war will not be over in reality until the nations have gone harmoniously to work and until international accord replaces the uncertainties of the present.

It may be patriotic, it probably is patriotic, to hate your enemy during a war. I can not see, however, how the cause of patriotism is served by continuing to hate those against whom we fought and to pass on to another generation the spirit which was ours during the height of the conflict. If there is anything in Christianity, we should practice its admonition to "love your enemies," especially when those enemies are vanquished ones.

While the conflict was on, it was easy to coax from the pockets of our people the funds needed to bring success to the combined armies. We gladly furnished money to all of our allies and associates; and when we were supplying it so freely we never asked whether or not it was to be returned to us. Had the question been raised then, there is no doubt there would have been a loud cry against any effort to impose harsh terms upon our debtors. Indeed, we did not consider them our debtors; we looked upon them as our partners in the efforts we made to preserve democracy.

Unfortunately the alliances of necessity mean little when the need is past. The brotherhood which was so real in the stress of war has been disregarded since the declaration of peace.

Every business man knows that orders are rarely received from those who owe him money. The surest way for a professional man to lose his client is to permit a bill to run so long that it has become a matter in dispute. It makes for good business to have an occasional adjustment of all differences and to have the books balanced on occasions. Even though the business or professional man may lose something of his paper profits, the settlement brings new business with the possibility of larger profits.

In international matters it is tremendously important that there should be good feeling between the nations. The streams of trade and commerce coincide with the streams of affection and respect. It is unlikely that any nation will encourage commerce with another if it recognizes undue harshness in the settlement of an international account.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, we made a settlement with Great Britain in 1923 upon the basis of "capacity to pay," and a few days since the Chancellor of the British Exchequer most severely criticized the United States, and the English press has since that time expressed bitter feeling toward the United States. So we did not gain anything in the way of good feeling by settlement with Great Britain on the basis of "capacity to pay."

Mr. COPELAND. Mr. President, in my judgment, there will not be any good feeling until these debts are adjusted and actually paid. It seems a natural feeling to hate a rich man if he has mortgages upon your property.

Mr. BORAH. Not unless the rich man is trying to oppress or make ill use of his wealth. A rich man is not hated simply because he is rich.

Mr. COPELAND. The Senator may be right; however, since he is on the floor I should like to ask the Senator from Idaho: Does he think that our foreign debtors are going ever to make full settlement on the payments which have been promised?

Mr. BORAH. Does the Senator mean a full payment of the debts which were originally contracted or as they are now proposed to be settled?

Mr. COPELAND. As they are now going to be adjusted.

Mr. BORAH. I am compelled to say, from the campaign which has been begun in England, that I think the program for cancellation is now on. Our settlements seem to be one step further toward cancellation or repudiation.

Mr. COPELAND. Before I conclude these remarks I shall enlarge upon my conviction that the debt settlements never will be made in full, even as they have been adjusted by the Debt Commission and passed upon by the Congress. However, I will speak of that later.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Florida?

Mr. COPELAND. Yes.

Mr. FLETCHER. If that is true, what is the use of going through with this performance? If that is the basis of the argument, there is no use to propose any settlement.

Mr. COPELAND. If the Senator will withhold that question until a little later in my discussion, I will give him what I think is the answer; and if I do not, I shall be glad to have him renew the question.

I am convinced, Mr. President, that America is envied for its wealth. Wealth attracts antagonisms and opposition. This is just as true in international matters as it is in personal ones. Envy often begets hate. It is doubtful if this Nation has a real friend in the entire family of nations.

This may be a matter of indifference to many, but to me it seems terrible beyond words to think that a great democracy like America, founded on the principles of liberty and fraternity, should so conduct herself as to receive, if not to merit, the antagonism of every other nation on the face of the earth. America has the respect which comes from her power. Other nations would hesitate to run counter to her wealth and resources. But when it comes to real affection and a willingness to fight and die in her support, I doubt if there is a European nation that can be counted a friend of ours.

If this be true, why is it so? What is wrong with us in our dealings with other nations that we can not command their friendship? If we have a real desire to change their attitude, what must we do to be in better standing among the peoples of the earth?

THE RETURN OF GERMAN PRIVATE PROPERTY

Frankly, I think if we continue to show so grasping a spirit in our international dealings that we shall deserve the ostracism which will be ours. In this connection permit me to enumerate a few of the evils growing out of the World War, evils which, in my opinion, have had a tendency to lower the respect in which every loyal American would have his country held. Let me speak first of the property of German citizens held by the Alien Property Custodian.

If I am rightly advised, we hold in the neighborhood of a billion dollars worth of property belonging to private citizens of the German Empire. A small part of this great possession has been returned, but, in violation of treaty rights and the laws of nations, we are retaining property which we have no legal or moral right to possess.

Distinguished Americans prepared the treaty upon which the rights of German aliens are founded. Our commissioners were Benjamin Franklin, John Adams, and Thomas Jefferson. Nowhere in human annals can be found names more compelling to Americans. The doctrines of these men are taught in every household and will continue to be till the end of time.

They negotiated the treaty with Prussia in 1785. Renewed in 1789, it was extended in 1828. These treaties and others bind us morally, at least, and were undoubtedly operative when the World War began.

May I quote Article XXIII of the treaty of 1785 which reads as follows:

> If war should arise between the two contracting parties the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen unarmed and inhabiting unfortified towns, villages, or places, and in general all others, whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them, for the use of such armed force, the same shall be paid for, at a reasonable price.

Also, let me read you the last paragraph of Article XXIV of this treaty:

> And it is declared, that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

A layman would say that the language of these treaties means what it says. If so, German nationals were guaranteed protection against seizure of their property.

Nothing can be more abhorrent than the thought that international war is a private affair. It is bad enough to demand human life as a price of war, but when the war is over who shall say that trusting strangers within our gates shall be despoiled? To put it mildly, it is a violation of hospitality inexcusable in the home life or national life of any people.

There was a brief period in the very early days of the Republic when our Supreme Court appeared to believe that the law of nations did not forbid confiscation of an enemy's private property. But very shortly, the great Chief Justice Marshall, in an opinion reported in Seventh Peters, page 51, declared that—

> that sense of justice and of right, which is recognized by the whole civilized world, would be outraged if private property should be generally confiscated and private rights annulled.

By no rule of law or decency can the private property of individuals be used to reimburse claims against the German Government. To do this is to confiscate the property and to take it by the right of force.

The war is over. As one evidence of this fact, as I see it, the property in the hands of the Alien Property Custodian should be returned forthwith to its real owners.

Needless to say, I favor a prompt payment of the awards of the American and German Mixed Claims Commission. Congress should take action at this session, as I believe it will, as we have reason to believe from what we have seen in the papers to-day.

THE ITALIAN DEBT

Following this, I turn to another cause of friction. This relates to the proposed settlement of the Italian debt.

I regret to see that the attitude of the Democrats in the Senate toward this settlement has been misunderstood. It is not a party matter, and when the vote is taken I am sure Democrats as well as Republicans will be numbered among the supporters of the settlement.

I am fully aware of the situation as regards Mussolini. I know that many of our citizens are in opposition to the dictator. They are unwilling to have any glory added to the laurels already captured by that remarkable man.

I have no interest in Mussolini. It is Italy's business to accept or reject his style of control. Italy's sovereignty is her own. Whether Mussolini is good or bad has nothing to do with this settlement. If I were governed by prejudice alone, I should probably be against the dictator and anything he wants. A dear friend of mine wired me:

> The settlement of the Italian debt should not be negotiated while Mussolini is in power.

Why not, forsooth? Because, he said:

> While I believe that America ought to be very lenient with the Italian debt, yet to have this settlement now would be to help Mussolini.

But I can not see what Mussolini has to do with this matter. In our settlement of the Italian debt we are dealing with the Italian people. Whether Mussolini did or did not close the Masonic lodges, whether he is a Catholic or a Protestant, whether he has imperialistic notions or not, whether he is cruel or kind, whether he is a success or a failure as an economist—these things have nothing to do with the question of adjusting our claims against this sovereign nation. In the nature of things Mussolini will disappear from the stage ere long, but the Italian people and the Italian nation will continue their career. It is with these we are dealing, not with king, prince, or dictator. This is not Mussolini's settlement; it is the decision of the American Debt Commission.

It is admitted that when we were pouring out money like water we deluged Italy with the golden flood. As a people we did not know or care whether we would ever get back a cent. In every theater and movie, in every mart of trade, in every church and school, our citizens, rich and poor, pledged themselves to the purchase of Liberty bonds. We did not know where the money was going. It might be for guns, powder, or for bread and meat; we did not care. Our Government asked for money, and we gave it.

Mr. DILL. Mr. President——

Mr. COPELAND. I yield to the Senator from Washington.

Mr. DILL. I understood the Senator to say that when we loaned this money we did not care whether or not we got a cent of it back. I may have misunderstood him, but that is what I understood him to say.

Mr. COPELAND. In effect I said that.

Mr. DILL. The Senator on second consideration, I think, will hardly try to maintain that position, in view of the fact that we demanded the bonds of Italy at 5 per cent.

Mr. COPELAND. When I used the word "we" in this connection, I was speaking of the American people, not the officials. I may say to the Senator from Washington that when he and I were approached individually to buy Liberty bonds we did not ask what rate of interest was going to be charged the people on the other side who were getting this money. We bought the bonds because our Government wanted the money. We did not know what it was for. We did not know that the Government was ever going to get it back. We never gave a thought to that particular thing.

Mr. DILL. I must disagree with the Senator's statement that we did not expect to get it back. We went out on the platforms of the country and urged the people to buy bonds, and told them they would get every dollar of the money back again with a rate of interest. It was understood and known everywhere that this money that was being loaned to foreign countries was to be repaid and that our Government had taken the precaution to get the bonds of those countries.

Mr. COPELAND. It was known by our people that the money they loaned to our own Government would be paid back at a rate of interest; but the people who bought these bonds—and the Senator was among them—did not know or care whether the money loaned abroad was ever coming back to the United States or not. We were in a war and determined to win it, and we never gave a thought to such matters at that time.

Mr. DILL. I can only say that I must disagree with the Senator. We did know that we were getting these bonds, and we did expect them to be paid.

Mr. COPELAND. Of course, there may have been an entirely different spirit in the section of the country where the Senator lives. I can speak only for my part of the country.

Mr. DILL. No; I was in the city of Washington and around the town at that time.

Mr. COPELAND. In any event, Mr. President, we learned after a while, I may say to the Senator from Washington, that foreign governments had borrowed billions of our funds. Of course, most of the money never left America. We kept it in return for our products.

Mr. FLETCHER. Mr. President, may I interrupt the Senator and suggest that of course he keeps in mind the fact that a large portion of this debt is for money borrowed after the war was over.

Mr. COPELAND. Not the large portion.

Mr. FLETCHER. A large portion.

Mr. COPELAND. About a billion dollars was borrowed before the war and during the war; about six hundred millions after the war; so that the larger part was the money which we loaned under the circumstances I have recited. I may say, too, that that money, both that we loaned before the war and after the war, was spent largely for our products, and profiteers in America made millions—billions, I suppose—out of the money which was spent here, the money of all the nations represented; not only Italy but others. The citizens of England and France and Belgium and Italy never had any of this money. In each instance it was loaned to carry on the common warfare, and to this end was expended largely in the United States. If the war profiteers were honest with the tax collector, they returned 60 per cent of their profits in taxes to the Government. In this way our country got back more than half the money loaned to Italy during the war.

The war is over. Years ago it ended, but still we haggle over the terms of settlement. We have made a few settlements, and apparently we are agreed as a people upon the terms applied in those adjustments.

For reasons, some of them unworthy a tolerant people, we are hesitating about the Italian settlement. I can not understand it. The Debt Commission has studied the resources of the Italian Government. It agreed with the Italians on terms of settlement. By an overwhelming vote the House agreed to the terms. Why does the Senate hesitate?

If I am rightly advised, the Italian commission stated to the United States commission that Italy lost 652,000 men in the war, and that 458,000 were disabled; Italy received territory but no valuable colonies out of the war; Italy's share of reparations is 10 per cent as against 52 per cent for France and 22 per cent for Great Britain; Italy imposed a war profits tax of 100 per cent and a capital tax; Italy's burden of taxation is 38 per cent of her net income; Italy has almost no raw materials, and must import practically all; Italy's adverse balance of trade has been large; finally, her industries will not keep pace with the demands of her own population.

If these statements are true, and they were accepted by our commission as statements of fact, Italy makes a very strong appeal to our generosity. More than this, our producers and manufacturers have a direct interest in a speedy and acceptable settlement. If selfishness alone were to determine our action, it would seem to me that the part of wisdom would be to settle our accounts on terms which will leave a good taste in the Italian mouth. Trade and commerce between these nations are essential to the prosperity of that country and ours.

Have you considered what Italy buys from us?

Here are some of the items and their values in money for purchases in 1925:

Meat	$1,075,058
Wheat	26,393,690
Lard	4,793,613
Kerosene oil	1,422,281
Gasoline	1,989,459
Lubricating oil	5,610,636
Tin plate	937,462
Zinc	1,408,985
Copper	18,197,074
Motor trucks and autos	4,461,506
Southern pine	937,462
Tobacco	2,873,327
Cotton	91,492,606

One-half of our total exports to Italy came from the Southern States during the year 1925. A quarter of the balance came from our farms and another quarter from American mines.

Chief of our imports from Italy are things we do not produce at all, or else we do not produce them in quantities to meet the demands of our citizens. Among these are:

Raw silk	$12,120,815
Olive oil	10,551,361
Italian cheeses	8,575,617
Sardines	3,000,000
Nuts	1,607,786
Italian hats	2,367,773

The total imports from Italy in 1925 amounted to $102,204,930. This is in marked contrast to our sales to her of an amount in excess of two hundred millions. To be exact, our Italian exports in 1925 amounted to $205,149,578.

I was very much surprised at the statement made by the Senator from Missouri [Mr. REED] the other day, in which he pointed out what he thinks we could do if Italy did not pay this debt:

> I imagine that trade and commerce with the United States is of some value to Italy, and I know that if she were threatened with deprivation of that commerce and of the right to borrow money in the United States, Italy would begin to understand that even an Italian dictator can not also be a dictator to America.

Americans are the ones interested in trade and commerce with Italy, because we send to Italy twice as much as we buy from her. The adverse balance of trade against Italy is over $100,000,000 per year.

This means that Italy's adverse balance of trade has exceeded one hundred millions annually. During the period of the payments proposed by the settlement, Italy's adverse trade balance will mount to the vast sum of $6,000,000,000.

THIS IS NOT AN ECONOMIC PROBLEM SOLELY

There are some problems which can not be dealt with by the hard rules of mathematics or solved by statistics. "An eye for an eye" and "a tooth for a tooth," may be a practice justifiable to the followers of some schools of thought. But when we deal with debtor nations, nations made debtor by the cruel fate of our common war, we must not be too exacting.

There are childless fathers and mothers in Italy, there are husbandless wives in that peninsula, there are fatherless children. Who are they? They are the brothers and sisters of those who mourn in America.

These sons and husbands and fathers died for us. They died in holding a line against a common foe. In mountain fastness, in flooded valley, on defenseless plain, they were struggling for what Americans believed then and still believe was the cause of humanity.

Are we now to count the dollars and demand to the last cent the money we gave to Italy without thought of return? Have we turned misers? What has become of our manhood and our Christian ideals?

For shame, America! Cast out these unworthy thoughts! Turn back, Americans! Let us show the world that we are made of kinder stuff! Let us prove to the children of Italy that Americans place gratitude far above the love of money!

What do you know about Italy? Because she has produced great pictures and great statuary, great things in literature and science, do you imagine she is rich? Italy is rich

in music and beauty and inspiration, but in commercial and general prosperity she is poor as a church mouse.

Have you visited the slums of her cities, have you inspected the food upon her tables? Have you studied her death rate and the struggles of her babes to make the grade of life?

Have you observed the toil of her peasants, cultivating the mountain sides to grow a meager crop which will be sold for a petty sum?

Where is the money to come from to meet the vast sum she has promised to pay? The pennies of her school children will make the first payments.

WILL THE DEBT SETTLEMENTS BE CARRIED OUT?

One of the fond hopes of the present-day American statesmen is that the settlements we have made with foreign nations are to be carried out to the letter. Some may believe this, Mr. President, but I do not.

I am familiar with the figures of the Treasury and the statement of Mr. Coolidge in his last presidential address. We are told that our national debt must be paid within 25 years, because with added interest it will cost much more at the end of 62 years. The President considers it will be almost doubled by such delay. These figures can not be disputed if the terms made with our debtors are carried out to the letter.

I make no claim to prophetic vision, but I venture to predict that within two or three years after the liquidation of our national debt further payments on the part of European nations will cease. We will be appealed to to cancel those debts because we have paid our own. There will be no possible excuse, it will be urged, to go on taking their money after our own debts have disappeared.

Mr. DILL. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. DILL. Then the Senator wants us to understand that this is simply a temporary arrangement for a few years, to satisfy the people that they are to get their money, when in reality they will never get it?

Mr. COPELAND. I would not put it in quite that way. As I am going to say a little later in a more formal way, I say now: I think we made a great mistake in undertaking to pay our national debt in 25 years. We could have extended it over a period of 62 years and had a very much greater tax reduction than the Democratic Party has just given the people. But when we have paid our own people, when we have paid our own debts, as it is now the purpose of the Treasury to do in 25 years, there will, in my judgment, be an irresistible appeal for relief by the people on the other side, because they will still be in abject poverty, if I know anything about it.

Mr. DILL. Does the Senator know whether or not the members of the Debt Commission agree with him that after the American people have paid their war debts the payments of foreign countries, such as Italy, are to cease?

Mr. COPELAND. I assume that the members of the War Debt Commission do not take this view.

Mr. DILL. I ask the Senator that question because I note in this morning's Washington Post this statement concerning Secretary Hoover's statement yesterday:

> While the Senate was continuing its discussion of the Italian agreement Secretary Hoover, who is a member of the American Debt Commission, said that failure of the Senate to ratify the settlement would not be objectionable to Italy.
>
> "The Italians probably will be glad if we don't pass it," he said. "They would be relieved of all moral obligations."

In other words, Italy agreed, when she got this money, to repay us the money at 5 per cent interest, and gave her bonds for that purpose. Now, we are to surrender those bonds and take an agreement to pay a very small part—about three-fourths—of what would really be due under the original agreement, and the Senator tells us that in a few years even a large part of that will not be paid.

Mr. COPELAND. That is my judgment.

Mr. DILL. It is my judgment, too; and that is why I am against this settlement.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. COPELAND. I yield.

Mr. HARRISON. If that is true, does not the Senator think that Great Britain has put it all over the United States in the terms of the settlement Great Britain made with Italy, for the reason that Great Britain will get from Italy, during the first 20 years, $139,000,000 more than the United States will receive?

Mr. COPELAND. If it is the purpose of Congress to extort every dollar possible from Italy, I would say that England did "put it all over the United States," but I do not want our country to be put in the same shoes. I do not want to put it over Italy. If I had my way—and I speak for nobody else—I would be more generous, infinitely more generous, than the American Debt Commission has been.

Mr. DILL. Then I take it the Senator is in favor of practically canceling this debt of Italy?

Mr. COPELAND. Speaking only for myself, Mr. President, we could not buy friendship and trade and commerce any more cheaply than by canceling this debt, and some others I might name.

Mr. DILL. Does not the Senator think it would be much better to try to help buy the peace of Europe, if we are going to cancel the debt, than to try to buy trade and commerce, while Mussolini builds up armies?

Mr. COPELAND. I have always regarded the Senator from Washington as a brave man. I am amazed that he should be afraid of Mussolini.

Mr. DILL. I am not afraid of Mussolini, but I am afraid that if we give him more money he will plunge Europe into another war.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. FLETCHER. I feel constrained to suggest to the Senator that the friendship which you have to buy is not very trustworthy or sincere friendship. The Senator used the expression "buying friendship." I think the experience of mankind generally shows that the sort of friendship that has to be bought can not be depended on. But——

Mr. COPELAND. Just one moment. The word I used was the wrong word. Let me correct my statement. America could not *win* friendship is a better way.

Mr. FLETCHER. I think that is better. But in connection with this talk about relieving Italy of a moral obligation by refusing to accept this compromise of about 29 per cent of her debt, relieving her of interest entirely for five years, and then after that demanding one-eighth of 1 per cent for a period of some 10 years, I believe, and after that one-quarter of 1 per cent interest—it seems to me that is quite far-fetched. The only way I know of by which a debtor can relieve himself of the legal as well as the moral obligation to pay interest is for him to come forward and tender the full amount of his indebtedness in gold to his creditor. If the creditor refuses to accept it, then the debtor can say he does not have to pay any interest after that and wants to be relieved. But a proposition like this is entirely different from tendering the entire amount of the indebtedness and offering to pay.

Mr. COPELAND. Mr. President, we have before us for consideration just one proposition. The Italian Debt Commission and the American Debt Commission met together and gave consideration to all the factors involved in the settlement. Upon that Debt Commission the Democratic Party was represented as well as the Republican. After going into all the matters involved, taking into account everything which could have any possible relationship to the settlement, this commission of Italians and Americans agreed upon a settlement. It was a settlement which was accepted by the House of Representatives. It is before the Senate now for us to accept or reject. Speaking for myself, I am convinced, not alone from the statement of the chairman of the Committee on Finance, but from the statements made by other members of the commission, that this settlement is all we can get. I saw an editorial this morning which said, in effect, "When you have taken the pound of flesh, why give consideration to whether you might not get 17 ounces?" It is the best settlement and the only settlement which offers.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he proceeds further?

Mr. COPELAND. Certainly.

Mr. HARRISON. The Senator said he is in favor of canceling the debt. Does the Senator take into account the fact that over $500,000,000 of this amount was loaned to Italy after the armistice?

Mr. CARAWAY. It was $617,000,000.

Mr. HARRISON. Yes; $617,000,000.

Mr. COPELAND. I might say that that is what I do take into account and that is all I take into account. It is that particular matter which justifies me and makes it possible for me to salve my conscience to the acceptance of the plan proposed for settlement, because there was money which we did give Italy after the war. I take it that the amount of money we are getting back, if we get it all, will reimburse us for that loan at least.

Mr. President, in spite of the arguments to which I have listened and in spite of the usual arguments to the contrary, I have

not changed my opinion that it would make for international accord to have the settlement of our own obligations coincide with the settlements abroad. American taxpayers would appreciate the additional tax reductions which could be given if the payment of the national debt were spread out over the longer period. But with present and prevailing views it is useless to discuss this idea.

The point I want to make is that ultimately, as I see it, we are going to be exceedingly generous to all our debtors. We will be shamed into concessions at the end of 25 years and the payment of our own debt. If there is real prospect of this, why not be generous to the limit now?

I predict that England and Belgium will never pay one-half the money provided for in their settlements with our Treasury, and that the ultimate remission of the debts will be with our full consent.

I wonder if we should bemoan this. Let me say to the Senator from Florida [Mr. FLETCHER] that I am using the right word now, that we never won national friendship more nobly than we did by our generous treatment of China after the Boxer disturbance. Every one of those Chinese students educated in America at the expense of our generosity is a walking advertisement of American ideals.

Every good deed is as bread cast upon the waters. If we are kind to Italy now she will forget that we have shut out her wines, limited the admission of her olive oil and grapes, within a month closed our gates to her straw hats, and reduced her immigration quota to the very minimum. If we have been economically and socially harsh in our dealings with her in any of these matters, we can show that in financial matters we are not seeking to take from her the last lira in the settlement of a debt incurred for a common cause.

YUGOSLAVIA

May I add, Mr. President—and I hope the Senator from Utah [Mr. SMOOT] will listen to this carefully—that our Debt Commission is negotiating with another nation. Yugoslavia seeks a settlement.

I pray that America, in dealing with this nation, too, will bear in mind her necessity. If you have traversed Yugoslavia as I have, you know how poor are its people. They can not produce enough to pay great sums. Their backs are broken with their present tax burdens. We must be generous with them.

To my mind any terms more severe than those imposed upon Italy would be unfair and unjust to Yugoslavia. This struggling country and Italy are in a class entirely separate and apart from Great Britain and France. Their ability to pay is infinitely less. I hope the Senator from Utah will bear that in mind when the time comes to deal with Yugoslavia.

Mr. SMOOT. The Senator has had it in mind for a long time.

Mr. COPELAND. I am very happy to hear that, because having traversed Yugoslavia I know the condition of her affairs, and I think it would be a great pity if harsh terms were imposed upon her.

CONCLUSION

I leave it to others in the Senate to discuss in detail the economics of the situation. But from some knowledge of how the people live and struggle in southern Europe, I plead with Senators to obey the dictates of their hearts in making these settlements. Turn aside from cold figures and lift your eyes to the human aspects of the problem.

I know what will be said—that the struggling masses of America should not be taxed to lessen the burdens of alien nations. But, Senators, no matter how poor are the slum dwellers of American cities, no matter what the degree of self-denial practiced by the wage earners of this country, no matter what the burdens of the taxpayers of the United States, our conditions are far and away superior to those of Italy. The food, the housing, the clothing, the privilege of education, and the hope of advancement for the American family, are a hundred times better than for the southern European family.

I plead with you to remember that the war is over. Let us adjust matters with German citizens, with the Italians, the Yugoslavs, and, as soon as possible, with the French. Let us put the sordid things of the war behind us. Let us contribute to the contentment and peace of the world. Our sacrifices will be hardly real, because in our riches we will barely know we have made sacrifices. But generous treatment accorded these countries will bring from each nation an outburst of gratitude and joy which will more than repay us for what, in the last analysis, is our bounden duty to brothers and sisters across the seas.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TYSON in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Jones, Wash.	Ransdell
Bayard	Dill	Kendrick	Reed, Pa.
Bingham	Edge	Keyes	Robinson, Ark.
Blease	Ferris	King	Sheppard
Borah	Fletcher	McKellar	Smith
Bratton	Frazier	McLean	Smoot
Brookhart	George	McNary	Stephens
Broussard	Gillett	Mayfield	Swanson
Bruce	Glass	Means	Trammell
Butler	Goff	Metcalf	Tyson
Cameron	Gooding	Moses	Walsh
Capper	Hale	Neely	Wheeler
Caraway	Harreld	Nye	Williams
Copeland	Harris	Oddie	Willis
Couzens	Harrison	Overman	
Cummins	Heflin	Phipps	
Curtis	Howell	Pittman	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, I give notice that to-morrow at the first opportunity I shall speak briefly on the question of the debt settlement with Italy.

FARM RELIEF LEGISLATION

Mr. HARRELD. Mr. President, on yesterday I introduced a bill along the lines of farm relief. I wish now to say just a few words about it.

Mr. President, the bill I yesterday introduced in this body, which shall hereafter be referred to as S. 3782, is a modification of the so-called Dickinson agricultural bill—H. R. 6563—yet it differs materially from that measure. The Dickinson bill proposes to deal with the so-called "surplus" of any agricultural commodity. This bill, in effect, proposes to deal with any "unneeded" part of such commodity. It is seldom that we have a real surplus in any commodity. The disorderly way in which farm products are marketed frequently gives rise to the impression that a surplus exists, when in fact it does not exist. It is just as disastrous to stability of market prices to have a lack of orderly marketing as it is to have a surplus. It is the purpose of S. 3782 to permit the Federal farm board, which it is proposed to create, to act when prices are depressed by lack of orderly marketing as well as when they are depressed by the actual existence of a surplus. It seems to me that this is a very desirable change. It does not attempt to change the machinery established by the Dickinson bill; neither does it propose to change the method outlined therein for raising funds by the collection of an "equalization fee" to finance the farm board in its efforts to stabilize prices, acting through cooperative associations.

For the most part the changes in the Dickinson bill proposed herein have as their author Mr. C. L. Stealey, general manager of the Oklahoma Cotton Growers' Association, one of the leaders in the cooperative movement among the cotton growers. He has been connected from the first with the Oklahoma Cotton Growers' Association, which now has more than 60,000 members and has done much to aid in holding up prices of cotton by orderly processes in marketing and otherwise. His views are worthy of consideration, and I am not only offering this bill because I believe it an improvement on the Dickinson bill but because I have a high regard for Mr. Stealey's views on the subject.

This bill provides for the farmer ownership of any part of the crop that is not immediately salable for any reason and prevents expert dumping at an inopportune time as well. The Government has nothing to do with it, except the Federal farm board, a governmental agency, is charged with the duty of raising a fund by collecting the equalization fees and using same to assist the cooperative associations in carrying any surplus or any part of the crop which is likely to glut the market and depress the market price. It is doubtful if we have ever had a surplus of farm products. It is a fact that all farm products are consumed sooner or later. The so-called "surplus crops" are usually nothing more nor less than that part of the production of any year which must be held in check until the demand therefor becomes immediate and such a demand develops for it as to result in the offer of a reasonable price. That is what this modified Dickinson bill does. It does all that the Dickinson bill does, and much more, and affords, in my judgment, the best vehicle for reform along this line of any bill yet proposed aiming at the same purpose.

I believe the farmer capable of working out his own destiny if given a fair chance. He should be helped by the Government to help himself. This bill does not put his affairs in the hands of a governmental agency, but directs that the governmental agency—the Federal farm board—shall allow him

through his cooperative associations to keep his business of handling his crops in his own hands, extending assistance to them in doing so, not in a paternalistic way, but in a helpful way, and that is all the farmer wants. Oklahoma for the last two years has been second to Texas in the production of cotton and third of all the States in the production of wheat. Both the cotton growers and wheat growers of that State are well organized into cooperative associations. They are vitally interested in knowing what the Congress intends to do for them. They are asking for no price fixing laws. They want Government aid in marketing their crops, and this bill will fit both their present demands and needs. The board organized thereunder would have power to gather statistics so badly needed in their efforts to limit production, to market products orderly, and to recommend from time to time steps that should be taken in the interest of the farmer by Congress and by the farmer himself and by the various farm organizations.

I commend it to the consideration of the Senate and the general public.

Mr. President, this is all I care to say in connection with the bill at this time, except I wish to add that the Agricultural Committee of the Senate is from day to day now holding hearings on several farm-relief measures. I am a member of that committee, and I expect to present the bill on which I have spoken to that committee to be considered in connection with the various other bills providing for farm relief which are pending before the committee. I shall, perhaps, have something further to say in reference to the bill later.

THE MATERNITY AND INFANCY ACT

Mr. SHEPPARD. Mr. President, the period for which appropriations were authorized under the maternity and infancy act of November 23, 1921, will end with the fiscal year terminating June 30, 1927. The Secretary of Labor, after consultation with the President and the Bureau of the Budget, has recommended to Congress the continuance of appropriations under the act for two additional years, the President having advised that the proposal was not in conflict with his financial program. In his letter of recommendation to Congress the Secretary of Labor stated that the work was just getting under way in the States, that it would be very wasteful of expenditures already made if the appropriations were not extended at this time, that there was no more serious waste than the unnecessary deaths of infants and of mothers in childbirth, and that the cooperation of all agencies, both public and private, in reducing this unnecessary loss of life was therefore justified. He called attention to the fact that the provisional figures of the vital-statistics division of the Census Bureau had shown a substantial drop in the infant-mortality rate in the United States birth-registration area since the enactment of the maternity and infancy law, but that our infant death rate is still higher than in Australia, the Netherlands, Norway, Sweden, the Irish Free State, and that no State in the United States has as low a rate as New Zealand—that it was evident, therefore, that the United States could not afford to slacken its effort to reduce the infant death rate. He pointed out the fact that 43 States and the Territory of Hawaii were cooperating with the Children's Bureau of the Department of Labor under the provisions of the act. He added that action was necessary at the present session for the purpose of Budget estimates next autumn and in order that State legislatures meeting in January, 1927, might know what funds would be available. Bills have been introduced by the chairmen of the Interstate and Foreign Commerce Committee of the House of Representatives and of the Senate Committee on Education and Labor, respectively, in accordance with the suggestion of the Secretary of Labor, these bills authorizing the continuance of the annual appropriation of $1,240,000 for the fiscal years of 1928 and 1929.

The maternity and infancy act was the outgrowth of studies and investigations by the Children's Bureau of the Department of Labor. Those studies and investigations revealed an appalling degree of mortality and invalidism among the mothers of America in connection with the most important and sacred of all human functions, that of reproducing and preserving the race. They revealed deaths of infants or their condemnation to permanent weakness and disease on an alarming scale. It was found that nearly 20,000 mothers and almost 200,000 infants under 1 year of age were dying in the United States every year from lack of proper knowledge as to the hygiene of maternity and infancy. Reports from the birth-registration area of the United States showed that from 1915 to 1920 the death rate of mothers from causes relating to maternity was increasing. It was shown that the death rate of mothers in the United States from these causes was the highest for any nation in the world for which recent figures could be obtained, and that seven foreign countries had infant death rates lower than the United States. It was shown that other nations and numbers of cities, both in our own and other countries, had realized the necessity of educational action to prevent or minimize such deplorable conditions within their own limits and had instituted plans which were saving the lives and bettering the physical condition of thousands of mothers, thousands of infants, improving the standards of treatment and care, steadily lowering the death rate for mothers and children. The health department of the city of New York had inaugurated a system of information and consultation centers, supervised by qualified nurses and physicians, with the result that hundreds of mothers had been saved from death or invalidism and that the infant death rate of that crowded metropolis had been reduced until it was probably the lowest of any city on earth. It was well understood that for many years the General Government had been developing, collecting, and distributing data for the preservation and care of animal life and plant life. Were human beings of less importance than plants and animals?

In the national campaign of 1920 both the Republican and Democratic nominees for the Presidency, Warren G. Harding and James M. Cox, favored legislation for the protection of maternity and infancy. The Democratic national platform of that year specifically urged cooperation with the States for the protection of child life through infancy and maternity care. Supporting the maternity bill which was enacted by Congress on November 23, 1921, were the Women's National Republican Committee; Women's National Democratic Committee; League of Women Voters, successor to the historic Women's National Suffrage Association; a former chairman of the National Woman's Party; National Federation of Women's Clubs; National Congress of Mothers and Parent Teacher Associations; National Women's Christian Temperance Union; League of American Pen Women; Association of Collegiate Alumnæ; Women's Press Club; Council of Jewish Women; national board of Young Women's Christian Association; Continental Congress of Daughters of American Revolution; National Association of Deans of Women; National Women's Association of Commerce; National Consumers' League; National Organization for Public Health Nursing; National Child Welfare Association; National Council of Women; Service Star Legion; American Child Hygiene Association; Woman's Foundation for Health; National Women's Trade Union League; Life Extension Institute of New York; superintendent's department of National Education Association; New Mexico Child Welfare Board; Legislative Council of California; Colorado Children's Bureau; Colorado Eastern Star; Colorado Ladies of the Grand Army of the Republic; North Dakota Votes for Women League; Women's Education Club of Toledo; New Orleans Infant Welfare Association; Chicago Visiting Nurse Association; Twentieth Century Mother's Club, Newport, Tenn.; Cocke County Red Cross Chapter, Newport, Tenn.; Portland Equal Franchise League, Portland, Me.; Social Service Club, Flagstaff, Ariz.; Fulton County Tuberculosis Committee, Johnstown, N. Y.; Denver Women's Christian Temperance Council; Childress-Collingsworth-Donley Hall County Medical Society, Clarendon, Tex.; director and trustees of the Elizabeth McCormick Fund.

In both Houses the bill received large majorities of all parties.

Mr. W. F. Bigelow, editor of Good Housekeeping, took a deep interest in the measure, and gave it vital assistance.

In the annual report of the Chief of the Children's Bureau for the fiscal year ending June 30, 1925, may be found a summary of what has been accomplished by this legislation since its enactment. In that report it is set out that the work under the maternity act in the States accepting it embraced:

(1) Better infant care through the teaching of mothers.

(2) Better care for mothers through education as to the need and value of skilled supervision during pregnancy, child birth, and the lying-in period.

(3) More widespread medical and nursing facilities, so that adequate maternity and infancy supervision would be available to all who needed it.

It is further stated that during the fiscal year 1925 the 43 States operating under the act held 10,802 child-health conferences; that 278,016 infants and children of preschool age had been examined; that 622 children's health centers and 57 permanent prenatal centers had been established; that 3,581 prenatal conferences had been held with 35,997 women in attendance; that midwife classes had been conducted in 19 States with an attendance of 15,011, and that 8,047 women had completed the midwife course of instruction.

The 43 States now operating under the maternity act are: Alabama, Arizona, Arkansas, California, Colorado, Delaware,

Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. To this list should be added the Territory of Hawaii.

It also appears from this report that special work has been undertaken in Tennessee, Georgia, Idaho, Nevada, Utah, and New Mexico at the request of State authorities by the technical staff of the maternity and infant hygiene division of the Children's Bureau; that in Tennessee a statistical study was made to show infant and maternal mortality rates as affected by the type of attendant at birth; that in this study loss rates as well as neonatal death rates were secured, inasmuch as the stillbirth rate as well as the neonatal and maternal mortality rates are all influenced by the care received by the mother before and at the time of the birth of the child. In New Mexico a study was made of conditions affecting the health of mothers in two counties representing widely different conditions, the one having a Mexican population, the other an entirely English-speaking population. A study was made in Idaho of birth registration and causes of infant deaths, while in Utah and Nevada help was given in organizing a nursing program. In both Tennessee and Georgia conferences were held on important phases of childbirth.

The report discloses that on October 8, 9, and 10, 1924, a conference of State directors of maternity and infant hygiene was held in the offices of the Children's Bureau at Washington, that representatives of 36 States cooperating under the maternity act and of one State not cooperating were present, and that the conference considered ways and means of extending and improving the work. The conference requested the Children's Bureau to formulate standards of child care and prenatal care to be used by the State agencies. Accordingly, at the instance of the bureau a group of prominent obstetricians formulated a set of prenatal standards, covering obstetrical examinations and the care and advice which every expectant mother should receive. Furthermore, a set of standards to be employed by physicians conducting infant and preschool conferences was drawn up by the bureau's advisory committee, a committee appointed by the American Pediatric Society, the pediatric section of the American Medical Association, and the American Child Health Association, this set of standards including directions to physicians and nurses for the general conduct of such conferences, an outline for the child's personal and family history, and a schedule for six complete physical examinations.

It will be seen at once that the work under the maternity law is of the highest human value and significance. It is purifying the very sources of human life, developing and strengthening the foundations of healthful and happy existence.

Too much can not be said in praise of Miss Grace Abbott, Chief of the Children's Bureau, and her predecessor, Miss Julia Lathrop, for their able and sympathetic administration of this great work.

The report points out that the studies of the Children's Bureau demonstrate that a very high percentage of the deaths of mothers in connection with childbirth is due to preventable causes, and that it is very essential that efforts to prevent unnecessary deaths of this character be continued. The report adds that in work of this kind the United States is behind many other countries; that successful methods of conducting prenatal clinics have been demonstrated under the maternity act; that a beginning has been made in getting action of this kind under way in some communities; and that much more could be accomplished in this direction.

Perhaps it would be well at this point to describe the act itself.

It provides that certain sums shall be paid to the States for the purpose of cooperating with them in promoting the welfare and hygiene of maternity and infancy. For the fiscal year ending June 30, 1921, it authorized a Federal appropriation of $480,000 to be equally apportioned among the States, and for each subsequent year through a period of five years the sum of $240,000 to be similarly apportioned without condition. For the fiscal year ending June 30, 1922, it authorized for the use of the States under the provisions of the act an additional sum of $1,000,000, and annually thereafter for a period of five years an additional sum not to exceed $1,000,000. From these additional sums it apportioned $5,000 to each State without reference to population, and the remainder to the States in accordance with the proportion of their population to the total population of the States as shown by the last preceding census—all payments from the additional sums to be conditioned on the appropriation of equal amounts by the States accepting the act.

The act establishes a board of maternity and infant hygiene, consisting of the Chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education.

The Children's Bureau of the Department of Labor is invested with the administration of the act, except as is otherwise provided, the Chief of the Children's Bureau to be the executive officer. It is made the duty of the Children's Bureau to make or cause to be made such studies, investigations, and reports as would promote the efficient administration of the measure.

To secure the benefits of the appropriations authorized by the act a State is required, through its legislative authority, to accept the provisions of the act and designate or authorize the creation of a State agency with which the Children's Bureau is empowered to cooperate, provided that in a State having a child-welfare or child-hygiene division in its State agency of health such State agency is required to administer the act through such division.

The Children's Bureau is authorized to use for annual expense of administration not more than 5 per cent of the additional sums provided by the act, and out of the amount so alloted for expense to employ such assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as the bureau might deem necessary to the purposes of the act.

A State desiring to cooperate is required by its agency already described to submit to the Children's Bureau detailed plans for carrying out the act within such State, the plans to be subject to approval of the board of maternity and infant hygiene. The act requires that the plans submitted by a State shall provide that no official or agent or representative of the State, in carrying out the provisions of the act, shall enter any home over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of a child. The act provides further that if the plans of a State are in conformity with the act and reasonably appropriate and adequate to carry out its purposes they must be approved by the board and that due notice of such approval must be sent to the State agency by the Chief of the Children's Bureau.

It is next provided that no official, agent, or representative of the Children's Bureau shall by virtue of the act have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis or having the custody of the child; that nothing in the act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose.

It is provided further by the act that within 60 days after any appropriation authorized by the act shall have been made, and as often thereafter while such appropriation remains unexpended as changed conditions may warrant, the Children's Bureau shall ascertain the amounts that have been appropriated by the legislatures of the several States accepting the act and shall certify to the Secretary of the Treasury the amount to which each State is entitled. Such certificate is to state (1) that the State has through its legislative authority accepted the act and designated or authorized the creation of an agency to cooperate with the Children's Bureau, or that the State has otherwise accepted the act in accordance with its provisions; (2) that the proper agency of the State has submitted to the Children's Bureau detailed plans for carrying out the act and that such plans have been approved by the board of maternity and infant hygiene; (3) the amount appropriated by the State; and (4) the amount to which the State is entitled from the United States Government.

Each State agency cooperating under the act is required to make such reports concerning its operations and expenditures as prescribed or requested by the Children's Bureau. The bureau is given authority, with the approval of the board of maternity and infant hygiene, to withhold in its discretion, and required on request of a majority of said board to withhold any further certificate whenever it shall be determined that a State agency has not properly expended the money paid to it or the moneys required to be appropriated by the State for the purposes and in accordance with the provisions of the act. The certificate may be withheld until such time or on such conditions as the Children's Bureau, with the approval of said board, may determine, and when the certificate is so with-

held the State agency may appeal to the President of the United States, who may either affirm or reverse the action of the bureau with such directions as he deems proper, provided that before the certificate may be withheld the chairman of said board is to give notice in writing to the authority designated to represent the State, stating specifically wherein said State has failed to comply with the act.

It is stipulated in the act that no portion of the moneys apportioned under it for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of any buildings or lands, and that no such money or moneys required to be appropriated by any State for the purposes and in accordance with the provisions of the act shall be used for the payment of any maternity or infancy pension, stipend, or gratuity.

The Children's Bureau is required to perform the duties assigned to it by the act under the supervision of the Secretary of Labor, and the Secretary is required to include in his annual report to Congress a full account of the administration of the act and of the expenditures it authorized.

In the final section it is provided that the act shall be construed as intending to secure to the various States control of the administration of the act within their respective limits, subject only to the provisions and purposes of the act.

The maternity act establishes an information service of measureless benefit to the American people. It is based on the principle already embodied in the cooperation of State and Nation in connection with other subjects.

For many years the National Government has been collating and diffusing information as to the economic, intellectual, and social development of the United States, thereby performing an educational function of highest worth. No action on the part of State or Nation has more completely met the acquiescence and approval of the masses, or is more clearly within the range of legitimate governmental authority, than the collection and dissemination of educational data and statistics, both separately and by joint arrangement.

Thomas Jefferson, in his first inaugural address, included the diffusion of information among the essential principles of our Government. And what could be of profounder national and local importance, of more fundamental relationship to the very structure of our federated Republic, to all its units, large and small, than the diffusion of knowledge involving the welfare of the mother and the child? The act having this object in view, the maternity act, makes no effort to override or to destroy State jurisdiction. Each State has the right to accept or to reject its terms. On acceptance the State develops and administers its own plans in its own way for the accomplishment of the act within its borders, the General Government reserving only such jurisdiction as assures substantial compliance with the provisions of the measure, any difference on this point to be decided by appeal to the President.

The act does not seek to compel anyone to accept the information it makes available through bulletins, health consultation centers, trained nurses, and reputable physicians. An especial effort is made to place the service within the reach of rural sections where hospitals, nurses, and physicians are difficult to reach.

It can not be said that this act discourages individual initiative. On the contrary, it is in the interest of individualism, because it puts individuals in position to develop their own powers and to utilize their opportunities. If the individual is handicapped by mental and physical defects due to lack of proper care during the periods of prenatal growth, of birth, and infancy, may he or she be said to possess an adequate or an equal chance to make the most of life? If the mother is weakened and wounded, frequently beyond all cure, in connection with the custody and production of human life, may she be said to retain a just and proper chance to perform the sacred ministry of motherhood or to make the most of her existence? In this age of towering living costs there are thousands, hundreds of thousands, of families so near the line of bare subsistence that they can not obtain the requisite knowledge, treatment, or attention for mother and child in some of the most perilous hours human beings ever know.

The maternity act embodies and protects the very essence of individual right and opportunity in that it endeavors to protect the potential capacity to exercise them at the very threshold of existence when life and the life that issues from it are virtually helpless and in unquestioned need of sympathy and aid. Among the first and most fundamental of all human rights is the right to a normal birth. Equally important and essential is the right of motherhood to a normal, sound, and healthful expression.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Robinson, Ind.
Bayard	Ferris	King	Sackett
Bingham	Fletcher	McKellar	Sheppard
Blease	Frazier	McMaster	Shipstead
Borah	George	McNary	Shortridge
Bratton	Gillett	Mayfield	Simmons
Brookhart	Glass	Means	Smith
Broussard	Goff	Metcalf	Smoot
Bruce	Gooding	Neely	Stanfield
Butler	Hale	Norris	Swanson
Cameron	Harreld	Nye	Trammell
Capper	Harris	Oddie	Tyson
Caraway	Harrison	Overman	Wadsworth
Copeland	Heflin	Phipps	Walsh
Couzens	Howell	Pine	Wheeler
Cummins	Johnson	Pittman	Williams
Curtis	Jones, N. Mex.	Ransdell	Willis
Dill	Jones, Wash.	Reed, Pa.	
Edge	Kendrick	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. HARRISON. Mr. President, if there is no one else who desires to discuss the Italian debt settlement at this time, and if there is nothing else to come before the Senate, I shall proceed.

As the years lengthen, the world will appreciate more the big part America played in the great World War. History will not record any country that gave so unselfishly and acted more patriotically in humanity's behalf than did America. She sent 2,000,000 of her brave boys across the seas and raised an armed force of four and a half million splendid young men.

The business interests of America permitted themselves, with a high sense of patriotism, to be regulated in every imaginable way and to be taxed in very large amounts. I think some industries were taxed for war necessities between 80 and 90 cents on the dollar.

The laboring man of the country put his strong arm to the wheel and played his part. The agricultural interests of the country responded by enlarging their fields and in working many more than the usual number of hours a day, and they produced as they had never produced before. Every element in the country—including the women—responded enthusiastically to the war and war necessities.

Before we entered that great conflict, there had been an agreement among the allied nations that each would finance itself. When we did enter, because of the depreciation of the medium of exchange and the necessity of purchasing here large amounts of munitions and food supplies and other things, our Government, at the instance and call of the European allies, arranged large loans, amounting to some $10,000,000,000.

If some such arrangement to enable the allied countries to make purchases had not been made by this Government, none of those countries would have been able to purchase as much as they did upon such good terms as they got, and through that arrangement millions of dollars were saved to our allies in the money which was used to buy munitions and other necessities of war.

When we loaned the money to our allies there were few people in this country, if any, who did not believe that if victory should perch upon our banners, every cent, including interest, would be repaid in time. Notes were given, due in five years, drawing 5 per cent interest.

I could not, no matter how I might speak, exaggerate the great benefits that accrued to the allied countries from the loans we made to them, but following the war and victory this country adopted a policy which some may defend and others criticize, but it is a matter of history that it was a policy of isolation, of drawing within ourselves, like the turtle, and refusing to sit in economic conferences or otherwise with the nations of the world. Of course that policy may have seemed a wise one to some distinguished statesmen, but as a result of it we saw our trade gradually weakened and our commerce almost disappear. Our influence among the nations of the world has waned, but the gratification of American statesmen to try out a policy of isolation has survived.

Perhaps if we had taken a bigger part, and had brought peoples closer to us, and had not been so spineless, but had sat at

the council table, and had given to the countries of the world our counsel and our advice when sought, we would have held on to our trade to a higher degree than we have. Perhaps our influence to-day would be greater than it is, and we would not now being an outcast nation among the powers of the world.

At any rate, following that policy, we said nothing about our debt, we paid no attention to the debt that was owing to us, but adopted a policy of trying to raise as much as we could in America from the taxpayers by levying taxes in every form. Some thought that a high income tax and surtax, and taxes on every kind of article sold in this country, taxes such as nuisance taxes, should be imposed. They had their way, and those taxes were imposed, and they have been kept on the books for many, many years.

Others thought that in addition we ought to impose a very high protective tariff, so that our further dealings with foreign nations would be clipped, and the American people would pay more taxes. So their gratification has come about, if there was glory in putting it over, and the people have been imposed upon by this additional character of taxation.

During all of that imposition of tax after tax upon the American taxpayer, we fingered with our thumbs, we looked across to the east, but made no attempt to collect our debts.

That was a great reservoir that might have been tapped. It would have given relief to the American taxpayer and would have checked or greatly diminished the imposition of the taxes necessary to float bonds that carried an interest rate of 4 and 4¼ per cent.

I can not say that I can compliment the high statesmen who have steered our old ship of state for the last half decade. I am very much of the opinion that if we had been more courageous and had been willing to look beyond the horizon and had played a man's part—the part that this Nation has always played from the beginning of our Government until now—we would have been able not only to reduce taxes more quickly and in larger amounts, but we would be on better terms with the nations of the world.

Great Britain, acting under her usual and customary policy of trying to maintain her national integrity and high national honor, was the first to respond to the invitation of this country to begin negotiations in order that her debt might be funded. I was not particularly enamored of the settlement with Great Britain. I voted for it because I thought it might stabilize world conditions and might help the trade and commerce of our country. I was willing to reduce the interest rate to some extent and even to extend the time of payment, even if it should have been 62 years, for the good of the world and the betterment of trade and commerce and mankind in general.

The Senate adopted the resolution approving that debt settlement. We were led to believe in that settlement, and it was voiced not once but numerous times by the proponents of the British debt settlement, that we were then establishing a precedent that was to be followed in the funding of our debts with our other European allies. No one had any idea then that any statesman representing the Senate or this Government in the future would have the audacity to come here and advocate the ratification of a debt settlement on different terms from those discussed and adopted at that time.

Indeed, there was started in this country a propaganda to cancel our foreign debts. It was taking root. Certain business interests—for business purposes, as they said, but for selfish reasons, as we knew—were trying to get a start in the matter of the cancellation of our debts. They cared nothing about the proposition that men who were without means during the war days had gone into their pockets and sacrificed to the last farthing in order that they might respond in the purchase of Liberty bonds and war thrift stamps to help win the war. They cared nothing about the proposition that the American taxpayer for five years had been paying this high interest charge of 4 and 4¼ per cent. But for their own selfish aggrandizement they concocted the scheme and set in motion the machinery to crystalize public opinion in the country for the cancellation of our foreign debts.

But our friends on the other side of the aisle and at the other end of Pennsylvania Avenue, astute as they are and politically wide awake all the time, thought it would be a popular thing for their spellbinders to go to the country and for their newspapers to write editorials to the effect that the old Republican Party was against the cancellation of a single cent of a European debt. Speech after speech was made upon the floor of the House of Representatives and in this forum and out upon the hustings, and in every way the views of the Republican leadership were sent broadcast that the Republican Party was against the cancellation of any debt. It struck a popular chord in America. The taxpayers were led to believe that the Republican Party under the present leadership were their friends, so they patted them on the back and said, "We agree with you." When the British debt settlement came on and was ratified just on the eve of the national campaign and these dignified and astute politicians and statesmen of the Grand Old Party met at Cleveland, they thought that one of the most popular provisions that might be written into the Cleveland platform would be to incorporate the achievements of the administration with respect to the funding of the British debt and the policy that the Grand Old Party would follow in the years to come with respect to the funding of the other debts.

So they wrote into the platform that which has been read to the Senate in the last day or two, and I would like to hear it read to the Senate every hour up to the time we vote upon the bill that is now pending. I would like to burn it into the hearts of every American taxpayer. I would be glad to have it read, so it would reveal the hypocrisy—I mean the political hypocrisy—of certain distinguished statesmen who urged the people to believe at that time in that campaign that never, as long as the Republican Party should control this Government, would it deviate from the terms written in the British debt settlement. It was a plain and simple statement. I want my friend from Utah [Mr. SMOOT], who sits here at this time so complacently listening, and who perhaps was a member of the resolutions committee, though I do not know, to listen carefully to the reading of this plank. In those Republican conventions he always is one of the high leaders and occupies a high place on the board. In that particular convention I know he was one of the great leaders, because no political trick could be manufactured in which the various plans were to be put together smoothly that he was not the builder to lay "the corner stone." If he was not on the platform committee, he was certainly on some other committee that might oil the machinery in order that the steam roller might run more smoothly. I ask my friend in patience to listen to this again.

Mr. SMOOT. The Senator does me too much credit altogether.

Mr. HARRISON. No; I do not. The Senator is modest in that statement. He deserves all the credit for writing this plank in the platform, and he also deserves a great deal of the discredit of writing this funding debt agreement. Here is what the Republican platform provided:

> We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain.

Could anything be more simple? Could there be anything plainer?

> We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain. That settlement achieved under Republican administration was the greatest international financial transaction in the history of the world. Under the terms of the agreement the United States now receives an annual return upon the $4,600,000,000 owing to us from Great Britain with a definite obligation of ultimate payment in full.

So if the Senator was on the resolutions committee he was writing a eulogy about himself, and the American people had a right to believe that the Republican Party would redeem that pledge. They never dreamed there would be any other agreement written upon any other terms. When little Poland came in, devastated as she was, the same terms were accorded Poland that were imposed upon Great Britain. Poland was given 62 years in which to pay and was given an interest rate of 3 and 3¼ per cent.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. HARRISON. I yield to the Senator from California.

Mr. JOHNSON. I listened to the argument that was made with some degree of forcefulness and some degree of zealousness yesterday that the Italian debt settlement was similar to the settlement with Great Britain. I am not certain but what the distinguished Senator from Utah has the same idea. I am unable to see it; but possibly the Senator from Mississippi could take up the difference before he concludes and demonstrate whether they are alike or whether they are dissimilar. Yesterday the Senator was not present and did not hear the debates that occurred; but as I understood the proposition advanced, it was that we were to receive all of the principal in one case and that we are to receive all of the principal in the other case, and therefore the settlements are alike.

Mr. HARRISON. Yes; I expect to discuss the difference between the propositions before I shall have concluded.

So the American people had the right to expect that these distinguished gentlemen would live up to that platform. Of course, that was an expectation that was not well founded, because past history reveals few instances when the distinguished gentlemen leading the Republican Party have ever lived up to their promises.

So little Poland came in owing us money. Poland was in dire distress at that time, but a settlement was made and the terms were written the same as were written with Great Britain. The interest rates are the same. The length of time for settlement, 62 years, is just the same. Then came Czechoslovakia and Hungary and Lithuania and other little countries over there, all wrought by the arm of war, all in a very deplorable condition financially, as well as otherwise, and we gave to them the same terms that we imposed upon Great Britain. Thus far well and good. The Republicans were living up to the terms of their platform and the expectations of the American people. If the distinguished leaders of the Republican Party in the campaign of 1924 had taken any other position, if they had written into their platform that we were going to fund our debt with Italy by exacting payment of only 27 cents on the dollar, or from some other countries in less amounts, they would not have had a corporal's guard vote in the election that followed. It was one of the contributing causes that gave them their tremendous vote in the presidential campaign. No one can measure it differently. No one can say that if it had not been for that provision in the plank of the Republican platform they would not have lost the election. We must assume that the American taxpayer expected them to live up to the promises made in connection with the British debt settlement.

Then came Belgium. The promises were not lived up to with respect to Belgium, because it was said that we are under some moral obligation to carry out some promise made by Mr. Wilson at Versailles with respect to Belgium. It was the first time that some gentlemen I know of had a desire or showed the slightest inclination to live up to some of the moral obligations of America's representatives at Versailles.

They funded the debt of Belgium upon somewhat different terms than those imposed upon Poland and Czechoslovakia and Great Britain. They charged no interest with respect to Belgium upon the prearmistice debt and imposed it only upon the postarmistice debt. But at that we propose to collect from Belgium 55 per cent of the debt. Yet in the Italian proposition we are confronted with the situation that, even though Italy borrowed $617,000,000 after the armistice, they are to be relieved from the payment of any interest on all the debt until 1930, and then begin to pay only one-eighth of 1 per cent, and pay that for the next 10 years.

Can anyone defend the showing of more favoritism to Italy than was shown to Belgium? Was not Belgium overrun by the enemy's army? Were not her factories closed and demolished? Were not her fields made to lie in idleness? Were not many more of her heroic sons, in proportion to population, killed upon the battle field than were those of Italy? Yes, that is all true; and yet the great patriotic statesmen representing this Government seek to show a greater favoritism to Italy and a discrimination against Belgium. There is but one course for us as a Government to pursue in our dealings with foreign countries, and that is to treat all nations alike and discriminate against none, nor show favoritism to any. By pursuing that policy we shall not become entangled in any international broils; but when through the negotiations of our debt commission and by act of Congress we undertake to show favoritism for one country at the expense of another we are bound to get into trouble, and that is what we are now about to do.

No interest is to be charged until 1930 upon the $2,042,000,000 debt which Italy owes us; but beginning in 1930 we are going to collect from the Italians one-eighth of 1 per cent. That is a great rate of interest. The American taxpayer during and since the war has been paying 4¼ per cent upon the money that he loaned to Italy, for it is the money of the American taxpayer after all. While during all the years until 1930 the Italian taxpayer will be released from the payment of all interest charges, the American taxpayer will be paying 4¼ per cent. Then during the next 10 years, until 1940, when the Italian taxpayer will be paying but one-eighth of 1 per cent, the American taxpayer up in the great State of North Dakota and down in my State of Mississippi as well, and all over this country, will be paying 4¼ per cent interest. Then from 1940 to 1950, while the Italian taxpayer will be paying but one-fourth of 1 per cent interest, the American taxpayer out in the State of California will have to pay 4¼ per cent interest upon the Government debt; and so on down the line.

On the $2,042,000,000 which we loaned to Italy, of which $617,000,000 was loaned after the armistice, we are upon the present worth to receive five hundred and some odd million dollars, and we are to give to the Italian taxpayer over $1,590,000,000. Even though we exacted from Great Britain and are collecting from Great Britain 82 per cent on present worth, thereby conceding to Great Britain 18 per cent, and while we are collecting from Czechoslovakia, from Hungary, from Lithuania, and from Poland 82 per cent, conceding to those little countries 18 per cent, we are to collect, under the terms of the agreement with Italy which we are asked to ratify, only 27 per cent, and we are conceding to the Italian taxpayer 73 per cent.

I do not care how eloquent the distinguished Senator from Utah [Mr. SMOOT] may be, I do not care how persuasive he may be in his power of speech, he can not convince the American people that there is any justice or any equity in the proposition that we should release Italy from the payment of 73 per cent of her debt. Go to your people if you want to explain to your constituents in the coming election, but you will never convince them either of the righteousness or of the justice of this particular measure.

Mr. President, in a very able speech delivered by the distinguished Senator from Missouri [Mr. REED] some weeks ago, he read from the advertisement of the New York bankers who were trying to float bonds in order to loan $100,000,000 to Italy. That negotiation was taking place at the same time the distinguished Senator from Utah and his colleagues were sitting around the table negotiating this debt settlement with Italy. The Senator from Utah will recall, the Senate will recall, and the country will recall the glowing picture which was painted by Morgan & Co. and the other bankers of New York when they made to Italy that loan of $100,000,000 and obtained their 7 per cent commission, which loan is also carrying, I believe, a 7 per cent interest rate. Do Senators think that those distinguished financiers would be lending that money if they did not think that Italy had the ability and the capacity to pay?

Is it fair for the Italian negotiators to come here and for the American statesmen, our representatives upon the Debt Commission, to agree to terms of settlement with Italy that will deprive the American taxpayers of all interest on the Italian debt until 1930, we then to receive one-eighth of 1 per cent for 10 years, and then one-fourth of 1 per cent, and then one-half of 1 per cent for 10 years, and so on down the line, and at the same time see Italy borrowing money and obligating herself to pay 7 per cent interest and 7 per cent commission for negotiating a private loan of $100,000,000? If Senators can explain that to their constituents and get away with it, then they have a greater power of speech and greater lucidity of expression than I believe they have, or else their constituents are a little bit more dumb than I think they are. Where did Morgan & Co. get the information about Italy's ability to pay and present prosperous condition upon which they based their statements if not from the same sources that negotiated for Italy this settlement?

It is unbelievable that they told one story to our commissioners as to Italy's condition and another to these bankers. Ah, sir, believe me, my experience tells me that before bankers, and especially New York bankers, float loans they investigate the collateral very thoroughly. I have no reason to believe otherwise in this instance. Then, again, while that was going on, while the wool was being pulled over the eyes of my distinguished friend from Utah and his colleagues representing this Government in the negotiation, Great Britain, through her statesmen, was negotiating with Italy for a settlement of the debt which was owing to her. Wise statesmen as they are, they were looking after the interests of Great Britain. It has been stated upon this floor and has been heralded to the country through the press that we are getting a more liberal settlement and better treatment from Italy than Great Britain received from Italy. That is not true; the facts do not justify the statement; the agreements themselves contradict that assumption. Now, let us see about that.

There is a great difference between what the statesmen representing America stood for in negotiating this settlement and those representing Great Britain in negotiating the settlement which that country made with Italy. We were willing merely to get them to sign some kind of a paper on a dotted line; we were willing for them to pay at any time within 62 years; we were not interested in how much they were to pay during the first five years; we were not interested in how much they were to pay during the next 10 years or the 10 years following that period; but we were interested, according to the terms of the agreement in collecting the money, or part of it, in 62 years, and the greater part of it was to be collected during the latter 30 years of the agreement. Great Britain's statesmen, perhaps, had in their minds what the distinguished Senator from New York [Mr. COPELAND] spoke of to-day. The Senator from New York spoke candidly; he spoke frankly; he spoke what a great many who favor the ratification of this agreement believe in their hearts to be the truth, and that is that there will be a cancellation of the Italian debt and that

we should not exact anything from them. We can get along without the money, they think. I sometimes wonder, Mr. President, if our viewpoint is not in some way or other formed according to the number in our States that come from the country with which we are dealing. If the population of my State was made up of 90 per cent of Italians, it would not change my viewpoint, because I think it is time for the American Government to look after the American taxpayer a little bit and not have its eyes blurred by looking after the Italian taxpayer. And, sir, do not forget that the Italians in this country will not favor Italy as against the United States. They love their mother country, but real Italians love America the more.

So our statesmen were trying merely to get an agreement under which the money would be collected in 62 years, not caring how much might be collected during the first five-year period or the succeeding 10-year period or during the following 20 years.

The representatives of Great Britain, on the other hand, were trying to collect as much as they could as quickly as they could. They thought, perhaps like my friend from New York, that in 25 years all the nations which owe foreign debts are going to lay down on the job; that none of them will be able to pay; that then there will have to be a reaccounting, and that the debts then will have to be canceled. I myself do not believe that. I believe that every great power in the world has enough regard for its financial obligations to make every legitimate and reasonable effort to pay its debts as it goes along, and I believe that, whatever terms of settlement may be made by this Government with Italy, with Belgium, and with other nations, they will be met in time. There may be a default for a year or two, but it is provided in the agreement that if there shall be a default for a year, then the interest rate to be applied shall be 4¼ per cent. Great Britain in her agreement also makes a similar provision. She believes that, perhaps, Italy may default for one year or perhaps two years, just as is contemplated in the agreement made between Italy and the United States, but during the time of that default, while America is to collect 4¼ per cent interest, Great Britain says in that instance she shall receive 5 per cent. That is one of the differences between the agreement negotiated between Italy and Great Britain, on the one hand, and the United States and Italy, on the other. In case of default we will get 4¼ per cent interest during the time of default, while Great Britain will get 5 per cent.

This, however, is only one of the reasons why the agreement negotiated between Great Britain and Italy is so much better than that negotiated between the United States and Italy. During the first 10 years of this agreement, comparing the Italian-American agreement with the Italian-British agreement, Great Britain will collect $113,000,000 more than will this Government of ours. In other words, while the taxpayer of Great Britain is being relieved to that great amount, the American taxpayer is forced to rely upon the contingencies and conditions of the future to the amount of $113,000,000 more than is Great Britain. That is where the English put it all over us. That is where the Italian commissioners put it all over the distinguished commissioners representing this Government.

When is it that we need the money? The more we can collect now the better it is for the American taxpayer. If our terms of settlement were as favorable as Great Britain's, in the course of two or three years more there would be no question but that we could again reduce the taxes of the American taxpayer. But now, if we rely upon Italy, we must defer tax reduction for many, many years to come.

So the two differences that I have pointed out, if it pleases the distinguished Senator from California, between the Italian-British settlement and the Italian-American settlement are, first, if default is made in the payment we get 4¼ per cent, while Great Britain gets 5 per cent; second, Great Britain under her agreement in 10 years will collect $113,000,000 more than will the United States during the same length of time. Not until the year 1946, 20 years from now, will this Government collect more money from Italy than will Great Britain. Until that time, during the ensuing 20 years, Great Britain will be collecting more every year from Italy than will the United States; and the debts due to the two countries do not vary greatly.

Mr. SMOOT. Oh, no!

Mr. HARRISON. Great Britain's debt is a little more.

Mr. SMOOT. Thirty-nine per cent more.

Mr. HARRISON. One is $2,042,000,000, the other is $2,972,000,000.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. HARRISON. Yes.

Mr. JOHNSON. The Senator from Mississippi addressed me just now in distinguishing between the British settlement with Italy and our settlement with Italy.

Mr. HARRISON. Yes.

Mr. JOHNSON. It was not that to which I referred when I interrupted the Senator a brief period ago. He then was reading the Republican platform, and I called his attention to the fact that yesterday the insistence was here by those who sponsor this settlement that there is no difference between our settlement with Great Britain and our settlement with Italy; and because I am so anxious to follow with meticulous care the Republican platform I was asking the views of the Senator from Mississippi.

Mr. HARRISON. It was very adroit in the distinguished Senator from Utah [Mr. SMOOT], in an attempt to get out, to say that we collect all the principal from Italy and we collect all the principal from Great Britain; but we relieve Italy of the payment of practically all the interest and collect it all from Great Britain. That is the way in which they say we are collecting the whole amount and treating both alike. There is not any business man in America, in computing a debt that is from seven to nine years old that carries with it a 5 per cent interest rate upon the principal, who would not figure the interest charges as a part of the debt.

Mr. JOHNSON. Mr. President, if the Senator will yield further, I quite agree with what the Senator says; but he can readily understand how perturbed I am when I realize what the Senator says and when I realize also that this side of the Chamber and all of us who are regular are not following the Republican platform.

Mr. HARRISON. Mr. President, I pointed out the two main differences between the Italian-British settlement and the Italian-American settlement; but there is another difference between those settlements that is of higher import than that, that was more influential in getting the signatures of the representatives of Great Britain than either of the other propositions. That was that £22,000,000 in gold were placed in London to the credit of the Government of Great Britain by Italy in 1915, which, under the terms of the British-Italian settlement, must remain in Great Britain upon certain conditions. There is more than $100,000,000 of Italian gold in Great Britain which since 1915 Great Britain has had the use of; their interest charges are 5 per cent; and when you figure the amount of that, it amounts to over $116,000,000.

Ah, but the settlement says that this money is to remain there, and under certain conditions certain parts of it are to be released to Italy year after year; and then in the Italian-British settlement it is provided that Italy can default upon her payments for two years upon certain conditions. She can fail to meet the requirements of the settlement for two years in succession; but it says that in the event that Italy should avail herself of that provision and should default, then that this money shall not be released to Italy, but that Great Britain shall retain it. So if there are defaults upon the part of Italy with Great Britain—and we have every reason to believe that there may be some defaults sometimes for certain reasons which may arise—this $100,000,000 in gold shall remain in Great Britain, for the use of Great Britain, drawing 5 per cent interest, to the great betterment of her debt settlement.

Did we have from Italy the deposit of any money here? Not a cent. Did Italy place here, in 1915, £22,000,000 in gold? No. Have we the use now, even though we give this liberal settlement to Italy, of $100,000,000 of Italian gold? No. Is there anything that came from this discussion that shows that our representatives made any effort to have Italy deposit in Washington to the credit of this Government any amount of gold? Not a word that I have heard of. Nothing crept out in the Finance Committee touching that matter. Why not?

The British were smart enough to do it. They have taken care of the situation.

I do not know what the explanation of my good friend from Utah is. I did not have the pleasure of listening to his speech. I do not know whether he touched upon that particular part of this controversy or not; but I do know that Great Britain has the best of the settlement when it is compared to our settlement. I do know that in this settlement we have treated unfairly the American taxpayer. We are releasing, upon the basis of present worth, over a billion and a half dollars to Italy which the American taxpayer must pay.

Why, already in the discussions in some of the foreign countries we hear this kind of talk, and we will hear more of it just as soon as we ratify this proposed settlement:

Italy's debt bargain with America. Mr. Churchill's hint.

* * * * * * *

Ironically enough, Italy's pleasure over what is generally regarded in British quarters as a liberal settlement on America's part has been exceeded by the anger of the Belgian press.

We concede to Belgium 45 per cent. We collect from Belgium 55 per cent. We concede to Italy 73 per cent. We collect from Italy 27 per cent. No wonder that the statesmen of Belgium are talking about this unfavorable treatment as against Belgium in favor of Italy.

This article says further:

Italy's pleasure over what is generally regarded in British quarters as a liberal settlement on America's part has been exceeded by the anger of the Belgian press. Belgium is paying America on far different terms. It appears to be difficult for a creditor to please all his debtors when he differentiates among them.

And yet that thought evidently never entered the minds of the distinguished representatives of this Government who negotiated this debt settlement.

Only British opinion appears to be unmoved so far as America is concerned, although Great Britain has so far paid to America about a million times more than all America's other debtors put together. If, however, America should in the future—

This is Mr. Churchill's hint—

If, however, America should in the future decide to apply to Great Britain the lenient standards she applies to her other debtors—and there are those who see a hint of that in the Italian settlement—then British opinion will no doubt be duly grateful.

I know what the views of my distinguished friend from Utah are. He says that France will never get as lenient terms as Italy. He says that they will never stand for any revision of these terms that have been given to Great Britain and to Belgium and to Czechoslovakia and to Poland and the other countries. But here is a hint in the House of Commons from Mr. Winston Churchill that says that Belgium will push to have a change in the terms of her agreement and hints that they hope that the Americans in time will be more lenient with Great Britain.

Ah, Mr. President, by ratifying this agreement we are becoming enmeshed in international difficulties. We will be appealed to by every country whose debt we have already funded to change those terms. What are we going to say to Poland when Poland comes here and pleads, showing her ability to pay, comparing it with that of Italy, showing how prosperous Italy is, giving a glowing picture, as was given by the New York bankers, of Italy's ability to pay; showing that before the war Italy was the eighth power in merchant marine, and that to-day she has grown until she is the fourth power in merchant marine; showing the hundreds of millions of dollars that are invested in the great water-power possibilities of that country; showing the 40,000,000 people of that nation; showing her skilled labor and all of those healthy conditions? What are we going to say to little Poland, that was hurt by virtue of the war, whose condition is not good, when her people appeal to us and say, "You settled with us on the basis of collecting 82 cents on the dollar, giving us 62 years, it is true; but you are collecting from Italy only 27 cents out of the dollar and giving them 62 years in which to pay." What answer are you going to make to Poland? What answer are you going to make to Czechoslovakia when her representatives come here? Will you not have a spark of humanity left in you? Will you not be moved to treat all nations the same and equally? Why should we discriminate? There is no national justice in it.

I submit to you, Mr. President, that the best thing the Senate of the United States can do is to defeat the ratification of this settlement; and even if it takes four or five years to enter into negotiations with them, it is much better to leave this settlement open a while than to agree upon terms that are discriminatory to the other little powers with which we have already agreed. The economic conditions of countries change quickly. There can be little doubt that if Italy to-day is in the plight that the proponents of this settlement express she will be in a better condition later on. Wisdom dictates in this instance a delay rather than a ratification upon present terms.

That is the wise course to pursue. That is what ought to be done.

Ah, but some say, "Let us get it out of the way." Get it out of the way for what?

There is to-day at the head of the Italian Government a man who threatens the world, who has put his iron heel upon all of those who would rise to combat his policies. Like flames of fire belching forth he threatens Germany with disaster unless she will do his bidding. He talks fight; he dreams fight; he makes war upon organizations that are trying to better humanity and help the world; he drives them into exile if they dare to speak a word of criticism either of him or of any of his policies. He is mad in his war-crazed methods. He is a dictator of the worst brand. He wants big armaments. He thinks of wars. He dreams of empires. He glorifies in the thought of seeing Rome, that once matchless city, sit again upon her seven hills, dictating to the world. Fund this debt, help his credit, help him to borrow some more money in Wall Street, help him enlarge his armies, help him to go forth and make good his threats of war on Germany and other countries. In doing so are you aiding the peace of Europe? Are you helping mankind? No. You are adding to the confused state of feeling that now exists in European countries.

Do you really want to help them become rehabilitated over there? That is what you say. That is why you say you have given these lenient terms; you want Italy to get upon her feet. There never was such dire hypocrisy proclaimed as that.

The gentlemen who want to extend these lenient terms to Italy are the same gentlemen who have built the tariff walls of this country so high that Italy can not send her products to us and sell them here. How can Italy get upon its feet when, although it is said we are trying to hold out a helping hand, at the same time we keep from here the goods from that country which they have to sell to us.

The distinguished Senator from Utah, who now asks us to ratify this agreement transferring a billion and a half dollars from the taxpayers of Italy to the taxpayers of America, is the one who led in this body to impose a tariff of 60 per cent to 90 per cent upon silks and wearing apparel that we used to import from Italy. That is not all—$22 to $44 per ton on hemp, 40 per cent on tomato paste, 45 per cent on cotton fabrics, and 98 per cent upon lemons. Oh, if the wall were lowered a little bit so that the people of Italy could sell to us some of the silk and some of these other necessities that are needed here and which is costing the American people so much now, how it would relieve them, how it would help them, how it would quicken and hasten the settlement of their debt to us, and at the same time give some relief to our consumers.

Yes; that is the kind of policy we have, and that is a wise policy, is it not? It takes big statesmen to do that—to want to help them, and at the same time erect walls that will injure them.

Ah, Mr. President, I think of the disturbed condition of agriculture in your State and in Iowa and in the other States of the great Middle West; I recall how those who use to produce a bumper crop of corn were gladdened by it and were able to pay their debts and be happy and contented and how they are now forced to sell such a bumper crop at a very much lower figure than it costs to raise it, and yet those people are asked by the distinguished Senators from their sections to ratify an agreement which will place on them a large part of the taxation which should be borne by the Italian people.

Let those who vote for the ratification of this agreement go back to their people and explain why they are looking after the Italian taxpayer instead of the American taxpayer.

I realize how very difficult is the task of assisting agriculture. I know what a big, hard problem it is to solve. I know one way it could be helped in connection with this debt settlement, and I would like to see such a provision written into the settlement. I would like to see some term written into the Italian debt settlement, as well as into every other debt settlement, to the effect that if those people should buy agricultural products from the farmers of America, that in return we would give them a certain percentage of credit upon their indebtedness to us. I would like to see written into those agreements a proposition that we would reduce the tariff on silks, and on lemons, and on a lot of other things that are produced and made in Italy, which our people need and are crying for. If that should be done, it would help to sustain agriculture in the West, in the South, and in the East, and at the same time it would improve conditions in Italy so that the Italians might be more quickly rehabilitated, so that they might get upon their feet, and be able to pay us, as well as the other countries of the world. The same argument applies to the other countries.

But that is not desired. Senators just want to get this out of the way. Then they want to go before the country and say, "Oh, we claim a great achievement. We funded the Italian debt settlement, the British debt settlement, the Belgian debt settlement, and all the others." But, sirs, tell the American taxpayer, when you go to him, how you have failed to look out for his interests, how you have tried to help Mussolini in his mad rage toward war preparations and future wars. How you have assisted him in his fight against good

citizens and the destruction he would wrought against the Masons and other good and well-meaning organizations.

Mr. President, this Italian debt agreement should go back to the Committee on Finance. It has no place yet in this body. It came before the Finance Committee—and I speak of it because I happen to be a member of that committee—but it was not discussed for half an hour. Nobody knew anything about it except the Senator from Utah, and he would not tell us, or did not tell us. I do not know why he wanted to keep it smothered in his own brain. I do not know what secret there was about it. But Senators wanted to rush it out, to get it out quickly.

We ought to send it back to the Committee on Finance. We ought to have before us the expert witnesses and every piece of information we can get; first, with respect to the ability of Italy to pay. We should call before us those bankers of New York who heralded through the country in glowing pictures the great ability of Italy to pay while they were floating that $100,000,000 bond issue. Let us have the facts. They can not hurt anyone. If the facts warrant what this commission has done, it will be all right, the agreement will be reported out, and you have the votes. But let us not rush through a matter in which the American taxpayer is interested to the amount of $2,042,000,000 without it having been considered one hour in the committee having the matter in charge.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. HARRISON. I yield.

Mr. McKELLAR. The Senator spoke of the $100,000,000 bond issue. Has the Senator any facts he could give us with respect to who the purchasers of those Italian bonds were? How were they sold? Were they sold under a guaranty from Mr. Morgan? Were the banks required to take them, or were they divided out among the banks? Are there any secret agreements about those bonds?

Mr. HARRISON. Just to show the Senator how lopsided this whole thing is and how adroitly the hand of my distinguished friend from Utah works, we knew nothing in the Committee on Finance about that loan until the matter came in on the floor of the Senate. It seemed to arise all at once. That is a matter which should be investigated. The Committee on Finance is the committee to investigate it, and whether Senators intend to vote finally to ratify this settlement or not, they should vote for the motion to recommit the matter to the Finance Committee for further consideration.

If that would do nothing else, it would at least relieve my distinguished friends on the other side and other distinguished friends that I see here from the embarrassment of going back to their constituents in the coming campaign and telling them how they transferred $4,500,000,000 from the Italian taxpayer to the backs of the American taxpayers. It will excuse and release them from having to explain why it is that better terms were given Great Britain by Italy than were given to the United States. So I want to save my friends to that extent.

When the motion is made I hope the Senate by a large majority will send this bill back to the Committee on Finance.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CARAWAY. The Senator from New Jersey yesterday afternoon attributed to America no part in the war except selfish interest, as I gathered from the terms of his speech. He thought we were tremendously indebted to Italy because Italy had been fighting our war. If those are substantially the facts, we should have been more indebted to Great Britain than to Italy, should we not, because Italy waited quite a long time before she got into the war?

Mr. HARRISON. Yes. Not only that, but Italy acquired lands by virtue of getting into the war.

Mr. CARAWAY. I was amused at a statement of one of the members of the Debt Commission in the House, who said that Italy got merely a readjustment of her border—nothing of value. Does the Senator from Mississippi understand that to be the fact?

Mr. HARRISON. I do not; although all the Committee on Finance are up in the air as to this whole proposition. My friend from Utah is the only one who seemingly knows anything about it, and what he knows he will not tell us.

Mr. CARAWAY. It was disclosed in the House that the settlement was made upon secret documents and that the commission was not privileged to reveal those secrets to the House. Did they reveal them to the Committee on Finance?

Mr. HARRISON. No. The Committee on Finance did not get anything at all.

Mr. CARAWAY. The committee got no more than America got by this debt settlement.

Mr. HARRISON. No.

Mr. CARAWAY. It got absolutely nothing.

Mr. BINGHAM. Mr. President, of course a mere Connecticut Yankee is at a great disadvantage when he attempts to follow the ringing periods and the magnificent rhetoric of the brilliant orator who has just preceded me. I only wish that I had his power of expression and his command of English in order that I might have the privilege of presenting the other side of the case in such a convincing and eloquent manner as he has presented his side of the case.

The Senator from Mississippi has shown most tender solicitude for those of us who have to run this fall. I appreciate his interest in our welfare. Of course, I am reminded of the Latin maxim spoken on the floor of the Roman Senate many centuries ago:

Timeo Danaos et dona ferentes—

I fear the Greeks, even when bearing gifts. I am a little bit afraid of this tender solicitude of his, and his anxiety that Senators on this side in favor of the Italian debt settlement may endanger their chances of coming back to this body, due to their support of this measure. In so far as his solicitude for the supporters of the bill is genuine, I thank him for it. Perhaps it is the same kind of solicitude which led him not so many years ago to say things in Madison Square Garden about the candidate of the Republican Party, in his fear that the Nation might be led into a disaster at the polls later on. If the solicitude then expressed, which led to a Republican victory, is the same kind of solicitude which he now expresses, I have to thank him most sincerely.

The Senator has exhibited great solicitude also for the Republican platform, and as one of those who had the misfortune, according to some of my friends on the other side of the aisle, to have something to do with the writing of that platform, I desire to call his attention to the fact that the other day when he was not present in the Senate certain remarks were made and certain explanations offered which would show that what he has just said was said under a misapprehension. That platform in regard to these foreign debt settlements said that—

Our attitude has not been that of an oppressive creditor seeking immediate return and ignoring existing financial conditions.

In other words, if I, as a member of the committee which prepared it and of the convention which adopted it, have any knowledge of the matter at all, there was a clear implication in those words in the platform of the fact that existing financial conditions of the countries involved were to be taken into consideration, just as in dealing with our own personal creditors we take into consideration their existing financial conditions.

The next sentence in the platform reads as follows:

Our position has been based on the conviction that a moral obligation such as was incurred should not be disregarded.

In other words, while we Republicans steadfastly refused to consider the cancellation of the debts and insisted on the recognition of a moral obligation, at the same time we insisted that "existing financial conditions" be not ignored.

We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain.

Similar in character.

I would like to refer for a moment to an act passed by a Republican Congress and approved by a Republican President a few months before that platform was written in which the agreement with Great Britain was recognized and in which we find these words——

Mr. HARRISON. May I ask the Senator a question?

Mr. BINGHAM. Will the Senator permit me to finish the sentence first?

Mr. HARRISON. Certainly.

Mr. BINGHAM. In which we find these words:

That settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission created by the act of February 9, 1922, may believe to be just.

"May believe to be just," Mr. President, does not mean that they were to be identical in terms, in interest, and so forth; the platform means that we were not to ignore existing financial conditions and that we were to authorize the commission to make such settlement as it believed to be just. Now I shall be glad to yield to the Senator from Mississippi.

Mr. HARRISON. From what was the Senator reading? Was that the act?

Mr. BINGHAM. That was the final act as passed.

Mr. HARRISON. The Senator overlooked that part of the act which says:

Provided, That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of the payment of any such bonds or obligations to the United States of America from any foreign government beyond June 15, 1947, or to fix a rate of interest at less than 4¼ per cent per annum.

Mr. SMOOT. I think that was the original act.

Mr. HARRISON. Yes.

Mr. SMOOT. The Senator from Connecticut was not reading from the original act.

Mr. HARRISON. That act was changed when we ratified the agreement with Great Britain, which carried an interest rate quite dissimilar in character from the Italian interest rate.

Mr. SMOOT. I was not referring to that. The Senator from Mississippi was not reading from the act from which the Senator from Connecticut read.

Mr. BINGHAM. What I was reading from was a later act of Congress amending the original act. I assume that it is generally conceded that a later act takes precedence over the earlier one. The later act specifically authorized the commission to make terms which it believed to be just. The Republican convention, in passing on that plank of the platform specifically referring to the agreement, assumed that the future agreements with foreign countries would be in accordance with what was "believed to be just" and would not necessarily be identical with any other agreement.

Mr. HARRISON. Mr. President, may I ask the Senator from Connecticut another question?

Mr. BINGHAM. Certainly.

Mr. HARRISON. Following his very complimentary reference to me, I want to get myself straight with respect to the Senator's position, because I consider him one of the ablest and most eloquent of Senators, and certainly the greatest historian in this body. I do not want my idol to fall down.

Mr. BINGHAM. I thank the Senator.

Mr. HARRISON. I based my argument upon what he said. The Senator does not intend to say that the terms of the Italian agreement conform to that part of the platform which he read and which he wrote and which provided that—

We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain.

Mr. BINGHAM. "Similar in character," certainly.

Mr. HARRISON. Does the Senator think the Italian debt settlement is similar in character to the British debt settlement?

Mr. BINGHAM. Certainly it is similar in character.

Mr. HARRISON. I compliment the Senator!

Mr. BINGHAM. It has been claimed on the other side of the Chamber that there are certain Senators of the Democratic Party who knew more about what was meant by our platform and more about what we said when we were running on it than we did ourselves.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. BINGHAM. I yield.

Mr. CARAWAY. I am curious to know who ever claimed to know anything about what was meant by the Republican platform?

Mr. BINGHAM. I should like to put my good friend, the Senator from Arkansas right, so he will not be in an embarrassing position, because he was not here——

Mr. CARAWAY. Oh, yes; he was here when the Senator said they adopted the platform because they did not want the Democrats to adopt it, even though the Senator's convention was more than a month in advance of the Democratic convention.

Mr. BINGHAM. I am sorry my good friend the junior Senator from Arkansas has misquoted me. I did not say it was adopted because of the Democratic platform.

Mr. CARAWAY. The Senator said it was adopted in just that way.

Mr. BINGHAM. I would like to finish if the Senator does not object.

Mr. CARAWAY. I would like the Senator to state really what happened.

Mr. BINGHAM. The Senator will remember that I did not say this plank had been adopted because the Democratic platform had been adopted. I would not be quite so short in memory as that. What I said was that if the senior Senator from Arkansas [Mr. ROBINSON] objected to this kind of thing being mentioned in a platform, he was inconsistent because of the fact that the very same sort of thing was mentioned in the Democratic platform, which, of course, was written and adopted later.

Mr. CARAWAY. No; the Senator said justification for the Republican platform was found in the Democratic platform.

Mr. BINGHAM. Justification for that kind of thing. "What is sauce for the goose is sauce for the gander."

Mr. CARAWAY. But the goose in this instance attempted to take all of the sauce.

Mr. BINGHAM. The truth is, Mr. President, that if there was justification for the Democratic Party to mention the matter in their platform, there was certainly ample justification for the Republicans to mention the very same thing in their platform.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. Certainly.

Mr. REED of Pennsylvania. As I understand it, the Republican plank was adopted more than a month before the Democratic convention began and several months before the Democratic convention finished.

Mr. CARAWAY. I think the Senator from Connecticut would agree to that statement because the time has absolutely no value to him, and doubtless that is as the Senator from Pennsylvania remembers it. I know it is not worth while arguing with a Republican about his platform, because he does not know who wrote it, he does not know what it means, and he does not know why it was written.

Mr. BINGHAM. Of course the Senator is judging by his experience with his own party's platform.

Mr. CARAWAY. I was judging by what the Senator from Connecticut said about it. He does not know who wrote it, and he does not know why it was written.

Mr. REED of Pennsylvania. If anybody does understand the Republican platform, it should be our Democratic friends, because they certainly had a lesson about it administered to them in November, 1924.

Mr. CARAWAY. If we had understood it we would have known more about it than the Republicans admit they know about it, because no Republican will admit that he understands this very plank about which the Senator from Connecticut was talking. He said that a debt settlement forgiving three-fourths of the debt is similar to a settlement where we collect every dollar. If 25 per cent is similar to 100 per cent, the Senator is right, and that is close enough for the Senator from Connecticut.

Mr. BINGHAM. May I now refer again to the distinguished Senator from Mississippi and his able oration to which we have just been listening? He made a very great appeal to the citizens and taxpayers of the country to vote in the coming election against those of us who favor the settlement because the taxpayers have to pay 4¼ per cent on the money borrowed by the United States and loaned to Italy, whereas to European debtors we are giving a smaller rate of interest—very much less in certain instances. The Senator's argument, in the first place, is based upon the assumption that in our loans to Italy, as made by the administration when his party was in control, bonds bearing certain definite rates of interest were to be received and accepted between the two Governments, whereas, unless I have been misinformed upon the subject, there were no bonds passed bearing any definite rates of interest. It was more or less a "gentleman's agreement." If that is the way in which the Democratic Party, when it is in power, carries on its relations in loaning the peoples' money, I am rather surprised that they did not borrow the money from the people of the United States on the same sort of "gentlemen's agreement" and tell them that they would pay whatever rate of interest would be convenient under the circumstances.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. BINGHAM. Certainly.

Mr. HARRISON. If the Senator had been Secretary of the Treasury at that time, would he have loaned the money to Italy?

Mr. BINGHAM. At that time I was engaged in the Air Service and in the Army and not in studying or attempting to know about the financial affairs of the Allies. It would be perfectly impossible for me to answer a hypothetical question of that kind, knowing as little about it as I did at that time.

Mr. HARRISON. That is the reason why I asked the question. I did not want the Senator to put himself in the attitude of criticizing the Government for providing money to pay the armies at the front in order to win the war. In other words, I assume that he would have done just as those directing the Government's affairs did at that time, namely, to loan the money and take their notes at 5 per cent.

Mr. BINGHAM. It does seem it might have been done in a little more businesslike way. But I do not desire to criticize, because I realize they were acting as they deemed best at that time.

A point the Senator from Mississippi made in his argument is that this money, which was loaned to Italy for the purpose of enabling it to carry on the war, should be paid in its entirety and should bear the same rate of interest that we are paying on our bonds, and that if anything less than that happens we are defrauding the people of the United States who loaned the money to the Government and to whom it must be repaid. If that argument should be carried out to its logical conclusion, we would find that it was perhaps necessary for us to ask Italy also to pay the money which we are pledged to raise from year to year to pay the disabled veterans for wounds which they suffered while fighting in Italy, to pay the very large amount which will have to be paid for many years to come toward those of our soldiers who lost their health in the war and who were wounded, and so on. Furthermore, if carried to its logical extreme, we would oblige Italy to return to us life for life all the lives that we lost in Italy while fighting with Italy on the other side of the world. It does not seem to me that the Senator's argument shows that benevolence, that sense of justice and fairness to one of our late allies in the war which we have a right to expect.

The Senator from Mississippi referred also to his desire that there should be no favoritism shown toward any country. I assume that he had in mind this sentence in Washington's farewell address in which he said:

> A passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducements or justifications. It leads also to concessions to the favorite nation.

I assume that the Senator from Mississippi had something of that sort in mind when he made that reference. As a matter of fact, if one looks the situation over he finds there has been no passionate attachment of our Nation for another. Actually we have not engaged in what Washington once called "antipathies against certain nations" or "passionate attachments" for others. It is not due to any passionate attachment for Italy that we recommend a settlement of the debt with her which is more favorable than that with other countries. It is out of a sense of justice, an attempt not to crush her to the ground, but to enable her to meet her moral obligations in the payment of the debt in so far as she can do so, and not to crush her to such an extent that she can no longer borrow any money to carry on the public works that she needs.

It seems to stick in the crops of certain Senators on the other side of the Chamber that after the settlement of this debt had been allowed, Italy was then able to borrow some money. It seems to be their opinion that we should be wringing the last drop of blood from Italy and cutting out of her the pound of flesh, so that in paying it she must die and her credit be destroyed and she be unable to borrow another penny from anyone. What an attitude to take, Mr. President, on the part of the benevolent American Government! It seems to me that the fact that she was able to borrow money after this arrangement had been made is a very good argument to show that the arrangement was a just one, one which would enable her to get on her feet. I take it that the present development of her water power and of other industries which Italy needs and for which she must borrow capital are necessary for her welfare and for the payment of her debt at all.

In closing I should like to refer to a preceding sentence in Washington's Farewell Address. It seems to me that our friends on the other side who are so much in opposition to the settlement would do well to remember these words from Washington, in which he said:

> Observe good faith and justice toward all nations; cultivate peace and harmony with all.

Mr. President, do the Senators who oppose this measure wish us to go to war to collect this debt? How are we going to collect it in its entirety if we do not go to war? The distinguished Senator from Utah [Mr. SMOOT], representing the Debt Commission, told us that this is the best Italy can do. I believe that to be true. If we are to collect any more we have got to do it by going to war.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question there?

Mr. BINGHAM. Certainly.

Mr. REED of Pennsylvania. We have heard much about going to war to collect debts. Could we, if we went to war, obtain any better control over Italy than the Allies obtained over Germany by the treaty of Versailles?

Mr. BINGHAM. Of course not.

Mr. REED of Pennsylvania. And is it not true that the Allies, acting under that treaty and trying to collect the reparations which they claimed were due them, have still had to take into account the capacity of Germany to pay, just as we have taken capacity to pay into account in making these amicable settlements?

Mr. BINGHAM. Absolutely.

Mr. EDGE. Mr. President, will the Senator from Connecticut yield to me?

Mr. BINGHAM. Certainly.

Mr. EDGE. A moment ago, as I was about to leave the Chamber, the Senator from Mississippi [Mr. HARRISON], as I recall, in making a comparison between the British debt settlement and the Italian debt settlement emphasized what has been so frequently emphasized that the two settlements, one involving a discount of some 82 per cent and the other a discount of some 23 per cent, were not similar in character. The Senator from Connecticut has read from the platform, but without necessarily bringing the platform into the matter at all I should like to have some one on the other side of the Chamber at some time demonstrate by facts or figures that the two debt settlements are not similar in character, having in mind the difference in economic conditions.

Mr. HARRISON rose.

Mr. EDGE. If the Senator will permit me to finish the question, which I ask in all seriousness, let me say that, from my study of the situation and of the economic and financial condition of Italy, as presented here with exhaustive facts and figures by the Senator from Utah, I am convinced that the Italian settlement, so far as capacity to pay can be ascertained by a study and a check up, is on a similar basis with the settlement negotiated with Great Britain. Certainly I think no one will question that there is not a distinct difference between the resources and financial ability of Great Britain to pay as compared with the resources and financial ability of the Kingdom of Italy. I think rather than indulging in general suggestions that the settlements are not similar in character, that some evidence should be brought here to disprove the findings of the figures that have been presented in defense of the Italian settlement.

Mr. HARRISON. Mr. President, will the Senator from Connecticut yield to me?

Mr. BINGHAM. Certainly.

Mr. HARRISON. Of course, there is no use to bring figures here when the Senator hears a proposition laid down and then leaves the Chamber. If the Senator had listened to me a while ago, he would have understood that I tried to show how the merchant marine of Italy had increased and how her water powers had been developed; but, of course, what we are after is to have this proposition sent to the committee so that we may get some facts. The Senator says the facts were given by the Senator from Utah [Mr. SMOOT]; but nothing at all was given to the committee; nobody appeared before the committee, and there was only about a half hour's discussion. We ought to have some facts on the subject.

Mr. REED of Pennsylvania. The Senator from Mississippi is a member of the committee, is he not? Did he ask for any information which was not furnished?

Mr. SMOOT. The Senator from Mississippi was there and did not ask a question that I did not answer.

Mr. HARRISON. I reserved the right to oppose the bill and asked that the matter be delayed in the committee. I stated that we had no information on some of the questions involved; that there were some difficulties as to the agreements, including the Belgian settlement, but that there was no objection to reporting them.

Mr. SMOOT. There was no objection to any of the agreements. I was authorized to report them by the unanimous vote of the committee, with the understanding—and it was so stated by the Senator from Mississippi himself—that when this bill was reported to the Senate he reserved the right to oppose it on the floor of the Senate.

Mr. HARRISON. That is substantially true; I reserved the right to oppose the bill on the floor of the Senate; every other member of the minority reserved the right to do so; and the Senator from Utah knew that we were going to fight this proposition.

Mr. SMOOT. Certainly, I knew it.

Mr. HARRISON. And the Senator knew that we ought to have some facts; but the Senator gave us no facts.

Mr. SMOOT. The Senator from Utah gave all the information that was asked. The House of Representatives had made its report upon the bill, as the Senator from Mississippi knows.

Senators had had ample time to read all that was said upon both sides of the question in the House of Representatives together with the House report.

Mr. HARRISON. Nothing was given to the House of Representatives that has not been given here in the debate.

Mr. SMOOT. I do not think the Senator from Mississippi has read my remarks at all; I do not think he has even casually looked over them.

Mr. HARRISON. I read the first speech the Senator from Utah made.

Mr. SMOOT. That is the only speech I have made on this subject.

Mr. HARRISON. I heard the Senator travel around a good deal on this question, and I heard the Senator in committee explain it in a way. Of course, the Senator's last speech was made only the other day, and I have not had the opportunity to read it all.

Mr. SMOOT. I thought so.

Mr. EDGE. Mr. President, I do not have the pleasure of being a member of the Finance Committee, but I found no difficulty whatever in securing from the Treasury Department such facts as were essential to a study of the two settlements. So far as their divergence is concerned I am not sure that they should not be much further apart in view of the respective economic and financial conditions of Italy and Great Britain. To me the result of my study of Italian conditions was absolutely appalling.

This matter came before the Senate originally at the opening of the present session last December or very shortly thereafter. Certainly every Senator recognized its great importance. I have no criticism of the Senator if, as he says, he has been busy with other matters; but to make the general charge continually that these two settlements are in any way out of harmony from the standpoint of financial and economic conditions, without one word of proof or demonstration to back up the assertion, seems to me to be a very poor method of argument.

Mr. HARRISON. Mr. President, may I ask the Senator a question by the courtesy of the Senator from Connecticut?

Mr. BINGHAM. I am very near the end of my remarks, but I yield to the Senator from Mississippi.

Mr. HARRISON. I wish to inquire of the Senator from New Jersey if he has compared the ability of Italy to pay with the ability to pay and the condition of Poland, Czechoslovakia, and the other smaller countries which, under agreements negotiated, will have to pay us 82 per cent?

Mr. EDGE. Not so minutely as I have in the case of Italy, because I recognized that the Italian debt settlement was the question immediately before us.

Mr. HARRISON. Does not the Senator think that he should do that?

Mr. EDGE. Yes; and I hope that I may have an opportunity to do so and that the Senator from Mississippi will join me in that study.

Mr. HARRISON. I may say to the Senator that, while I am a member of the Finance Committee, I have been unable to get anything from the Treasury Department about this proposition. The Secretary of the Treasury came before the committee, but he was there, as I recall, for only a short time. He did not give us any facts but simply his opinion, as the Senator has given us his opinion. Of course, it is not very hard for some Senators on the other side to make up their minds and to find something that will excuse them for voting for the pending measure. It is not very hard to convince the Senator from New Jersey of the lack of ability to pay on the part of Italy.

Mr. HOWELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. I yield.

Mr. HOWELL. Mr. President, something has been said about evidence of ability to pay. There is evidence before us respecting Italy's ability to pay for 62 years, but what evidence is there before us as to her ability to make another payment upon this debt in the sixty-third year and the sixty-fourth year? Why should this debt be canceled at the end of 62 years? Does the settlement provide for the exhaustion of Italy?

Again, there is evidence, presented by the Senator from Utah, to the effect that the Italian settlement is harder upon Italy than the settlement with Great Britain is upon Great Britain. He afforded that evidence in the form of indices. It will be found in his statement before the Finance Committee, and it was cited by me yesterday in my remarks. He made a case for Italy upon the ground that the settlement with that nation was more severe than the settlements with either Belgium or Great Britain.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Connecticut permit me to ask the Senator from Nebraska a question?

Mr. BINGHAM. Certainly.

Mr. REED of Pennsylvania. I realize we are encroaching upon the time of the Senator from Connecticut.

Mr. BINGHAM. We are not under cloture.

Mr. REED of Pennsylvania. The concluding payments of principal on the Italian debt will be about $80,000,000 a year, if I recall the sums accurately. Does the Senator think for one moment that a country in the position in which Italy finds herself will be able to pay those sums out of current revenue and in addition pay out of current revenue four and a half million pounds annually to Great Britain? When the Senator talks about payment in the sixty-third year, does not the Senator realize as a business man that necessarily those high payments toward the end of the sixty-second-year period must be met out of borrowed money and that Italy will in fact be paying on these debt settlements for generations yet to come? Necessarily that is so. And so when we talk of this ending in 62 years we are blinding ourselves to what is obviously the fact, that the amounts must be raised by government financing, which will be a burden on Italy and her revenues down into the centuries.

Mr. HOWELL. Mr. President, all the Italian payments reduced to equal annual installments involve the payment of about $24,300,000 a year.

Mr. SMOOT. An annuity.

Mr. HOWELL. An annuity of $24,300,000 a year. If we had asked for what Great Britain asked, there would not have been the payment of $80,000,000 in the last year. Great Britain gets an annuity of between $22,000,000 and $24,000,000 a year for 62 years. What our debt commission did was to provide that Italy should pay $5,000,000 the first year, while Great Britain secured $14,000,000; for the next year Italy pays us $5,000,000 and pays Great Britain about $23,000,000; and for the third year she pays Great Britain about $24,000,000 or $25,000,000 and still pays us $5,000,000. Therefore it is the act of the debt commission in fixing the largest payment as Italy's last payment, which the Senator from Pennsylvania invokes as a reason why Italy can not make additional payments.

It must be admitted that if Italy is unable to pay she will not pay, but if she is able to pay, all we shall get upon this debt is 1.1 per cent interest annually for 62 years and then the debt is to be canceled.

What I insist is that we do not need necessarily to make Italy's payments greater than have been provided, but we should not provide for the cancellation of that debt at the end of 62 years, as no man can tell what will occur during the intervening years or in what position Italy will be at that time. That is practically a statement made by Secretary Mellon before the Ways and Means Committee.

Mr. REED of Pennsylvania. Would the Senator advocate our settling our debt on the same terms the British settled theirs?

Mr. HOWELL. I pointed out yesterday that under the London agreement Great Britain promised to furnish supplies and money in proportion to Italy's participation in the war and her sacrifices. I also pointed out yesterday that just two or three days ago the Chancellor of the Exchequer of Great Britain said upon the floor of the House of Commons that there was no parallel between the relations of Great Britain with Italy and that of the United States with Italy. As a matter of fact, he practically admitted, and Lloyd-George, while Premier, admitted that they could not demand or enforce payment by Italy.

Mr. REED of Pennsylvania. Then the Senator means by that to imply that he would not recommend the settlement of our claim against Italy on the British basis?

Mr. HOWELL. What I mean is this: Great Britain's claim against Italy was less than ours.

I care not what the figures are, or what the financial records shows. Lloyd-George suggested as much and stated it in effect, and the Chancellor of the Exchequer of Great Britain the other day in the House of Commons stated as much; and yet Great Britain receives or has in its hands $108,000,000 of gold security for the payment of its debt, and if Italy fails to pay at any time that gold is not to be paid over to Italy. Mr. President, in the first seven years we receive from Italy about $54,000,000, if I remember aright, and Great Britain receives $161,000,000. In the first 31 years we receive but about 26 per cent of what Italy agrees to pay us, and Great Britain receives 50 per cent.

Mr. REED of Pennsylvania and Mr. EDGE addressed the Chair.

Mr. HOWELL. As to a comparison of these terms, I should prefer to have Great Britain's settlement to-day. She knew that a bird in the hand was worth two in the bush; but the

trouble with our Debt Commission, I am sorry to say, is that, as I stated yesterday, it has assumed the attitude of a Santa Claus toward Europe.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. Mr. President, I should like the privilege of concluding my remarks very briefly without any further arguments for or against, in order that I may not seem to be holding the floor longer than is becoming a very young Senator.

Mr. President, it seems to me that the answer to the proverb just quoted by the Senator from Nebraska [Mr. HOWELL] is another proverb that "half a loaf is better than no bread." We are offered this settlement as the best that a commission composed of brilliant members of both parties and the ablest Secretary of the Treasury we have seen in many years could make for the country to which they are devoted. No one questions their devotion to America. No one questions their absolute impartiality. No one would accuse any one of them of being partial to one foreign government over another. This commission, having worked hard for their country, have obtained the best half loaf which they can obtain. Those who are opposing this settlement seem to prefer no bread or else war.

It is perfectly silly to say that we can collect this debt by war. No nation ever went to war successfully to collect a great debt. Certainly America last of all would ever desire to go to war for the sake of collecting its debts. Our commission has made the best possible settlement in connection with justice and a due regard to what the people can pay.

Mr. President, it seems to me that there has been a disposition on the part of one or two of those who have been arguing against this settlement to indulge in remarks with regard to governments with which we are at present on terms of amity and concord which are not likely to produce peaceful relations in the future or to a friendly attitude toward our citizens who travel those countries or who are desirous of doing business with them or toward our ambassadors and ministers who of necessity must carry on our relations with them. I have on this floor within the last few weeks seen a Senator with one hand make a gesture in favor of peace and against war and with the other hand "sow dragon's teeth." Had I not been so young and inexperienced in this body, I should then have risen and moved that we go into executive session, in order that any remarks of that nature which the Senator might desire to make might not be spread broadcast throughout the world to stir up animosity against this Government.

We have a provision in our rules for executive sessions and for secrecy when we deal with treaties. I assume that the reason for that provision of the rule is in order that Senators may very properly express their minds freely and frankly with regard to what they believe to be the attitude of foreign nations, in order that we may arrive at a proper arrangement with them. It never has been our practice, however, to discuss those treaties in public, and it seems to me to be very unfortunate that in the discussion of this settlement one or two of our Members should have been led into expressing personal opinions to which they have a perfect right, but which are not inclined to sow for us the seeds of peace, but rather the seeds of war.

Finally, I would remind Senators of those words of Washington in his Farewell Address, in which he says:

> Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence.

Mr. President, have we in the proposal brought to us by the Debt Commission a "too novel example" to suit some of those who are here?

In the words of Washington:

> Who can doubt but in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it?

In other words, Mr. President, the golden rule, which I take it is more likely to be the general motto which the people of this country desire to see adopted in their private affairs and in their public affairs than any other single rule—the rule that we should do to others as we would that others should do to us—should be our guide in this particular. If we were in the situation of Italy, pictured as it has been so graphically by the Senator from Utah [Mr. SMOOT] in his able exposition of the reasons which led the commission to arrive at the results at which they did arrive, certainly we should wish to be treated with justice and benevolence.

I hope that when the vote is taken on this question we can fall in with the ideas recommended in Washington's Farewell Address:

> The experiment, at least, is recommended by every sentiment which ennobles human nature.

Mr. BLEASE. Mr. President, I should like to ask my friend from Connecticut when he fell so deeply in love with Washington's Farewell Address? It must have been after he voted for the League of Nations court.

Mr. COUZENS. Mr. President, may I ask the Senator from Connecticut if he would favor a more liberal settlement with Italy than the one proposed in this bill?

Mr. BINGHAM. Mr. President, the answer to that question would have to be based on expert knowledge, to which I do not pretend.

Mr. COUZENS. Does not the Senator think that, based on the record made by the Senator from Utah, the settlement is really too harsh?

Mr. BINGHAM. No, Mr. President. I think if the Senator from Michigan had been here during the earlier part of my speech, before the long colloquy took place, he would realize that it is my opinion that the commission arrived at an extremely just settlement.

Mr. COUZENS. It is not too harsh, in the Senator's opinion?

Mr. BINGHAM. So far as I am able to judge, certainly not.

Mr. NORRIS. Mr. President, I hope the Senate will pardon me if I take up another subject, different from the Italian settlement, and read something pertaining to the failure of one of our great railroads. It may have some indirect connection with the Italian debt settlement; and if it does, its lesson will be apparent. We are all interested in our transportation system, and we are all interested in the facts in regard to the failure and to the employment of a receiver for the Chicago, Milwaukee & St. Paul Railroad.

This is an article, Mr. President, appearing in the Nation for March 3, 1926, and is written by the well-known newspaper correspondent and magazine writer, William Hard. He shows us just how we and our railroads can escape from failure. It is entitled:

BENITO AND I SAVE THE ST. PAUL—A STIRRING CHAPTER IN INTERNATIONAL HIGH FINANCE

By William Hard

WASHINGTON, *February 17.*

The trouble with the Chicago, Milwaukee & St. Paul Railway Co. is that it owes $55,000,000 to the United States Government and has to pay 6 per cent annually on it. This comes out at $3,300,000 annually.

My accounting department has figured out that the interest which the St. Paul pays the Government is 15.11 per cent of its annual fixed charges. If we can get rid of this difficulty, we shall be well on our way to getting the St. Paul out of bankruptcy and out of the hands of receivers.

I have seen how it can be done.

My first step is that I shall sell the St. Paul to Benito Mussolini. He is the man who has the big drag with the American Government. His policies endear him to the American Government. On behalf of his other property, Italy, he has been able to get most advantageous terms from the American Government. I shall sell the St. Paul to him.

In the meantime, at Rome, I shall have explained to him the St. Paul's "capacity to pay." This is like numerous other phrases in diplomacy, and it therefore means incapacity to pay. One of the greatest permanent assets that a country can now have is a temporary incapacity to pay. When I explain to Mussolini the St. Paul's incapacity to pay he will at once see what a valuable property it is if owned by a European government.

I will then organize a St. Paul debt-funding commission. When certain of our American States repudiated some of their debts they called it adjusting them. That was a poor word. It indirectly implied some reduction. Funding is a much nobler word and more diplomatic. It implies that you will pay all you owe, and yet you don't. It is in the highest traditions of diplomacy. It says the maximum and comes across with the minimum.

So I shall have a St. Paul debt-funding commission. But I shall then put in the word which will turn the trick. I shall call it—and it will be—the Italian St. Paul debt-funding commission.

I shall sail from Genoa. What notice would be taken of me if I started from Minneapolis? None. So I shall start from Genoa. I shall have with me numerous titled personages. One of the present difficulties of the St. Paul is that it has no counts or princes. I shall bring counts and princes in profusion.

As I leave Genoa on the Benito Caesare, I shall send out a radio saying that complete proofs of the St. Paul's incapacity to pay are lying in the hold of the ship, all written out in the Italian language. They never were convincing in English to our Treasury Department, but you ought to see them in Italian! In Italian they are an absolute knock-out. Bankruptcy in English leaves you cold. Bankruptcy in any foreign language makes any American official break down and cry.

I shall arrive in New York. There I shall consent to attend a lunch given by the organization called the American Friends of St. Paul Irredenta. At this lunch I shall make a speech. In my peroration I shall say:

"The world is now one. The age of isolation has passed. Everybody now has a right to live off everybody else. In the days of oxcarts you had to pay your debts. Now you can go across the Atlantic in five days. This makes everything different. Now the prosperity of one is the prosperity of all. Nothing reduces anybody's prosperity like paying debts. So the paying of any debt by anybody is a direct attack on the prosperity of everybody else. What we must seek is a free world, free from all those discordant notes which till now have made the whole human race look forward with terror and demoralization to the first of the next month. That is what we must seek, and to that great and lofty cause I here and now dedicate the whole remainder of my life."

Cheered by the applause which this speech will elicit, I shall proceed to Washington. There I shall be photographed on the steps of the Treasury with Mr. Mellon. No previous emissary from the St. Paul has ever been photographed on the steps of the Treasury with Mr. Mellon. But I shall come from Genoa.

Also there will be dinner parties given for me by the charmingest hostesses in Washington. They paid no attention to the woes of the St. Paul when forwarded to Washington from Minnesota. I will succeed in pouring into their ears all the woes of the St. Paul through my counts and princes from the Eternal City. Thus also, in talk after dinner, I shall for the first time get the woes of the St. Paul fully into the minds and pens of this country's most distinguished political writers. I shall for the first time make the St. Paul fashionable. I shall then approach Mr. Mellon and say:

"I suggest that the St. Paul pay its $55,000,000 over a period of 62 years and that instead of paying 6 per cent all the time it pay no per cent at all during the first 5 years, and then one-eighth of 1 per cent during the next 10 years, and then one-fourth of 1 per cent during the next 10 years, and so on, until we come to the last 7 years of the 62-year period, when actually the St. Paul will pay 2 per cent."

"Why such terms?" Mr. Mellon will say.

"Why?" I will rejoin indignantly. "Why, because you gave those terms to Benito last time; and this time, with the St. Paul, he is much more bankrupt than he ever was with Italy."

"Certainly," Mr. Mellon will say. "I catch the point. What you demand is bare justice. You shall have it."

I will then give out an interview proclaiming Mr. Mellon's victory.

My accounting department has figured out what I shall thus save to the St. Paul by getting for it the justice that has been accorded to Italy. I shall save for it $3,300,000 in each of the next 5 years and from approximately $2,500,000 to $2,000,000 in each of the remaining 57 of the fixed 62-year period.

Mussolini and I will then take a modest tip of $5,000,000 apiece for our services; and I will then sell the St. Paul back to its original owners. I will sell it back completely restored financially and completely ready to confer abounding prosperity upon the great Northwest. By merely Italianating this railroad for a short space of time I shall have solved the greatest industrial economic problem in America.

The President of the St. Paul, under my directions, will then do his best to imitate Mussolini in every way. He will take a reasonable part of the money which Mussolini and I have saved for him and will spend it on buying black shirts for his toughest employees and on giving castor oil to Senator FRAZIER, of North Dakota, and on assassinating Senator SHIPSTEAD, of Minnesota.

As for me, I shall take my $5,000,000 and lend it to the St. Paul at 8 per cent. If Mussolini can pay real interest rates to Morgan & Co. after being rescued by Mr. Mellon, the St. Paul can pay real interest rates to me after being rescued by me.

Then Dwight Morrow will ask to leave Morgan & Co. and join me. Then I will dine with the President any time. So everything will all work out in a beautiful circle, and the St. Paul will be in as high society as if it were a foreign government, and the farmers of the Northwest will be happy, and I shall be fixed for life.

The only way to get ahead in this world is by lending a helping hand. The only way to climb upward in this modern changed world is by self-sacrifice. Just a little self-sacrifice by the taxpayers of the United States will make the St. Paul solvent and me rich and themselves prosperous.

Is there any catch in this argument? Where is it? I defy any really modern thinker to find it.

Mr. HOWELL. Mr. President, I wish to say to my colleague that, as remarkable as it may seem, this suggestion has already been seriously proposed. I have just come from a meeting of the Interstate Commerce Committee, which is now considering a bill providing that the interest which the St. Paul and some other roads are paying on loans from the Government shall be reduced one-third, and one-half of that one-third, or one-sixth, shall go to the stockholders and the other sixth shall be paid to the United States, just as it has been heretofore, but at the end of 40 years it is estimated that this one-sixth, with interest, will cancel the debts. In other words, the stockholders of the St. Paul Railroad and of the New York, New Haven & Hartford have developed the same kind of a plan that is proposed by Mr. Hard, and we have been seriously considering it in committee, and the Senate is liable to have a bill embodying that plan reported for passage.

Mr. NORRIS. I would like to ask my colleague if now, since I have laid this plan before the Senate, he could not take it to the Committee on Interstate Commerce and get that interest lowered just a little bit.

Mr. SMOOT. Mr. President, I ask unanimous consent that at the close of business to-day the Senate shall take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MEXICAN LAND LAW

Mr. KING. Mr. President, there has been considerable discussion of late concerning the effect of a statute recently enacted in Mexico dealing with land matters, and under which it is claimed the lands of foreigners are confiscated or at least expropriated. I had not seen, until I obtained a copy of the New York Times containing the statement, the text of the law as interpreted by the Mexicans. In the issue of the New York Times of Monday, March 29, there is found a translation made by the Foreign Office of Mexico of that law. In view of the fact that so many Americans are claiming that their lands have been confiscated or that steps are being taken for their expropriation, I think it is important that the translation of the the statute by the Mexican officials themselves should be known to the people. I therefore ask that it may be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the New York Times, March 29, 1926]

THE TEXT OF THE LAND LAW

Recently the New York Times correspondent came into possession of an official Mexican translation of the so-called alien land law. The translation was made in the foreign office in Mexico City. It tells its own story:

1. No foreigner may acquire direct domain over lands, waters, and their accessions in a strip 100 kilometers along the frontiers and 50 from the seaboard, nor be a participant in Mexican societies which acquire such domain in the same strip.

2. In order that a foreigner may form part of a Mexican society which has or acquires domain of lands, waters, and their accessions for concessions of the exploitation of mines, waters, and combustible minerals within the territory of the Republic he must fulfill the requirements stipulated in the said fraction 1 of article 27 of the constitution; that is, making an agreement before the department of foreign relations to consider himself a national (Mexican) with respect to the part of the properties which corresponds to him in the society and therefore not to invoke the protection of his government in so far as refers to them under the penalty if he fails to comply with the agreement of losing to the benefit of the nation the properties which he has acquired or may acquire as a participant in the society in question.

3. Referring to Mexican societies which have rural properties with agricultural ends, the permit referred to in the previous article shall not be granted when by acquisition to which the permit refers there remains in the hands of foreigners 50 per cent or more of the totalities in the society.

MAY HOLD LANDS UNTIL DEATH

4. The foreign persons who represent from a time prior to this law becoming effective 50 per cent or more of the total interest in any kind of societies which possess rural properties for agricultural ends may conserve them until their death when dealing with a physical personality and for 10 years when dealing with those of moral personality. The disposition of this article does not affect the colonization contracts celebrated by the Federal Government prior to its becoming effective.

5. The rights, object of the present law, not included in the previous article and legally acquired by foreigners prior to the becoming effective thereof, may be conserved by the present owners until their death.

6. When any foreign person should have to acquire by inheritance rights, whose acquisitions are prohibited to foreigners by the law,

the Department of Foreign Relations shall give permission for the adjudications to be made and the corresponding documents registered. In case any foreign person should have to adjudicate to himself, by virtue of a preexisting right, acquired in good faith, the Department of Foreign Relations may grant permission for such adjudications.

In both cases the permissions shall be granted with the proviso that the right in question be transferred to a person capacitated (Mexican national) according to the law, within a period of five years from the death of the author of the inheritance in the first case, and of the adjudication in the second case.

7. The foreigners who have any rights which are the matter of this law acquired prior to the going into effect thereof shall make a declaration before a Department of Foreign Relations within a year following the promulgation of the present law with the understanding that, if they do not do so, it will be considered that the acquisition was made after the promulgation of the law.

8. The acts executed and the contracts celebrated contrary to the prohibitions contained in this law shall be null ipso facto. The failure to fulfill articles 4 and 6 shall give rise to the auctioning of the properties therein mentioned.

9. This law does not repeal the restrictions established by special laws for foreigners to acquire rights in the territory of the Republic.

10. For the purposes of this law leases of immovable property for periods greater than 10 years to the extent which may be strictly necessary for establishment and services of the industrial, petroleum, or other object, not agricultural, of the enterprise, shall not be considered alienations, without prejudice to that disposed of by special laws.

11. The executive shall regulate the dispositions of this law.

Transitory: This law will become effective from the date of its promulgation.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that unobjected bills on the calendar may be considered until 5 o'clock, beginning where we left off yesterday.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will state the first bill on the calendar, beginning at the point where the call of the calendar ceased on yesterday.

J. J. REDMOND AND J. R. M'NUTT

The bill (S. 1355) for the relief of J. J. Redmond and J. R. McNutt was announced as first in order, and was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay J. P. Redmond the sum of $45 and J. R. McNutt the sum of $40, said amounts having been heretofore allowed them by the Navy Department and the appropriation from which these sums might have been paid having lapsed by statutory limitation.

SEC. 2. That the said sums of $45 and $40 be, and the said sums are hereby, appropriated for the said purpose out of any money not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1729) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood* was announced as next in order.

Mr. MOSES. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1731) to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair* was announced as next in order.

Mr. MOSES. Let that bill go over, too.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1732) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia* was announced as next in order.

Mr. MOSES. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

DANISH STEAMSHIP "MASNEDSUND"

The bill (S. 1733) to authorize the payment of an indemnity to the Government of Denmark on account of losses sustained by the owners of the Danish steamship *Masnedsund* as the result of collisions between it and the U. S. S. *Siboney* and the United States Army tug *No. 21*, at St. Nazaire, France, was announced as next in order.

Mr. KING. I would like to have the Senator from Delaware [Mr. BAYARD], who reported the bill, make an explanation of it.

Mr. BAYARD. This is a bill authorizing the payment of indemnity to the Government of Denmark. It is a matter negotiated by Secretary of State Hughes during his incumbency in office and is recommended by the President for passage. It comes within the President's financial program. The details are all set forth in the report. It is in the nature of an admiralty claim for damages.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Denmark, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Danish steamship *Masnedsund*, or any other parties pecuniarily interested, as a result of collisions between it and the U. S. S. *Siboney* on November 12, 1918, and the United States Army tug *No. 21* on November 15, 1918, at St. Nazaire, France, the sum of $4,772.97, as recommended by the President in his message of May 31, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN POSTMASTERS

The bill (S. 1792) for the relief of Chris A. Chulufas; William Alexander; Frank M. Clark; George V. Welch; Grant W. Newton; William T. Hughes; Nellie L. Tandy; Lucy V. Nelson; Frank A. Gummer; Charles E. Mulliken; Leo M. Rusk; Fred Falkenburg; Meary E. Kelly; William C. Hall; Rufus L. Stewart; Hugo H. Ahlff; Paul J. Linster; Ruida Daniel; Faye F. Mitchell; Dollie Miller; Alfred Anderson; Gustavus M. Rhoden; Marie L. Dumbauld; estate of Fred Moody, deceased, was considered as in Committee of the Whole.

Mr. KING. I would like to have an explanation of the bill.

Mr. COPELAND. The bill refers to losses of various postmasters because of the failure of banks. The postmasters are not permitted to carry their funds in personal accounts, but must carry them in the name of the department. In every instance the funds were so carried except in the first-named case. The committee has recommended that that item be stricken out. The Postmaster General in recommending the passage of the bill states that postmasters should not be held personally liable for the loss of funds occasioned through bank failures when they have made use of a bank which was, to the best of their knowledge, solvent and where the loss was not due to negligence or fault on the part of the postmaster. The Postmaster General recommends that the amounts, with one exception, be allowed.

Mr. KING. I would like to ask the Senator upon what theory any liability should attach? The Government has depositaries in the various States and cities, and it would seem to me that where national banks, which are national depositaries, are available and the postmasters do not utilize them, they ought to be held responsible. If the Government requires them to deposit the funds in banks in their own towns, and that is a requisite of the department, it is a different proposition; but it does seem to me that the Government does not adopt the loose method of saying to a postmaster, "You may deposit your money in any bank, and if the bank proves to be insolvent or if there shall be a catastrophe and the bank fails, then the Government will stand the loss." I do not think such a policy as that would be wise.

Mr. COPELAND. The Senator will note that all together there are 16 items or 15 allowed items. Six of those losses resulted through failures of national banks. All the others were State banks. They were in little towns where there were no national banks. A man could not carry the money in his pocket, and hence he put it in a bank. With one exception, everyone of the accounts was carried under the rule of the department requiring that they should be carried in an account and deposited in the name of the Post Office Department by So-and-so, postmaster. All of those banks had been approved and passed upon by the Post Office Department. We are familiar with the situation in the West, where there were so many failures because of conditions which prevailed. It seemed almost like an epidemic to have such a great number of failures. But the cases have been gone over very carefully, and I am sure the Senator from Colorado [Mr. MEANS], who personally reported the bill, has gone into the matter very fully. I have not any doubt at all the bill is perfectly just and should be passed.

Mr. KING. We have had measures presented to the Senate, aggregating hundreds in number since I have been here, by officers of the Government who were custodians of public funds. It was claimed by many of them that the funds were

stolen or that, without fault upon their part, they were lost. We have had many officials embezzle funds and their superior officers have asked to be relieved from responsibility, although they took no pains whatever to have themselves indemnified if there should be a violation of law or any dishonesty upon the part of those who had the money in charge. I have taken the position consistently that the Government of the United States ought to be protected. If persons are custodians of funds they ought to be held responsible for the funds committed to their care. It is a sacred trust.

I have not any sympathy with the lax methods which have been adopted by some of the departments and by many of the officials and agents of the Government, as a result of which the Government has lost thousands and thousands of dollars. I think if a postmaster puts money in a bank he ought to be responsible and ought to know whether the bank is solvent or not. The Senator says many of them are in little towns in which the money is collected and deposited. There are no large sums collected in a few days in a little town. It is evident, if there is any considerable amount lost, that the losses would be the accumulation of weeks or months, and it would be negligence, in my opinion, to accumulate funds in little towns extending over a long period of time.

Mr. WALSH. That is not the rule as applied to anyone else holding trust funds. If a trustee of trust funds deposits the funds in a bank of good repute, the bank, of course, is held liable for any loss that occurs. The county treasurer deposits county funds in a bank and he chooses a perfectly reputable bank and if the funds are lost, he is not chargeable.

Mr. KING. That is not the rule in many States.

Mr. MEANS. Mr. President, may I suggest that two-thirds of these amounts have been lost by having been deposited in national banks. The Government itself is supposed to protect the depositors by proper examination of those banks. All of the large sums were deposited in national banks that failed. The postmasters could do no more than to select a national bank in which to place the funds, believing they would be protected, and that is the case in over half of the items and over two-thirds of the total amount.

Mr. PHIPPS. Mr. President, may I address a question to my colleague?

Mr. MEANS. Certainly.

Mr. PHIPPS. Is it not a fact that the postmasters, instead of selecting the banks, act under an order of the Postmaster General to keep their funds in certain banks, designated by the department itself?

Mr. MEANS. I am glad my colleague made the inquiry. The custom is for the banks to be selected by the Postmaster General and approved by him before any funds are deposited.

Mr. WALSH. The postmaster in my home city becomes the depositary for almost every other postmaster in the State. All such funds are deposited in his name and it would be simply intolerable to hold him personally responsible for the loss of any such funds.

Mr. COPELAND. I may say that in every case the bank account has been assigned to the Postmaster General and in the State banks it is a preferred account, so undoubtedly most of the money will be recovered. Senators will note that with two exceptions the amounts are small. It seems to me only right and just that the bill should be enacted in order that relief may be given these postmasters who have done exactly what the department required.

Mr. WALSH. It seems to me the only possible solution of the matter is to require the postmaster to take security from the banks with which he deposits the funds. But that would seem to be an impracticable thing.

Mr. WILLIAMS. Mr. President, will the Senator from Montana please be kind enough to repeat his last observation? I could not hear it at this distance.

Mr. WALSH. I submit that when a postmaster selects a perfectly reputable bank he ought not to be held responsible for funds lost by the failure of that bank. The only way would be to provide by law that the postmaster must take security from the bank in which he deposits funds. That practice is followed to some extent in the deposit of State and county funds.

Mr. KING. Is it not a fact that the Government requires security from banks where the postmasters are depositing postal savings? My understanding is a postmaster acting for the Government requires security from the bank.

Mr. WALSH. So he does.

Mr. KING. Of course, if we can get security for postal-savings funds, we could obtain security for the deposit of other funds. It is simply a matter of policy or regulation if it is not required.

The VICE PRESIDENT. The amendments of the committee will be stated.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 4, to strike out "Chris A. Chulufas, late postmaster at Lozeau, Mont., in the sum of $110.17, due the United States on account of loss of postal funds resulting from the failure of the American Bank & Trust Co., Missoula, Mont."; on page 2, line 3, to strike out "$258.57" and insert "$584.34"; line 7, to strike out "$2,017.73" and insert "$2,012.12"; in line 11, to strike out "$972.22" and insert "$970.59"; in line 15, to strike out "$172.45" and insert "$253.56"; in line 19, to strike out "$94.77" and insert "$119.13"; in line 22, to strike out "Nellie L. Tandy, late postmaster at San Juan, Tex., in the sum of $189.96, due the United States on account of loss of postal funds resulting from the failure of the San Juan State Bank & Trust Co., San Juan, Tex."; on page 3, line 2, to strike out "$210.66" and insert "$278.79"; line 13, to strike out "$2,986.29" and insert "$2,985.63"; line 20, to strike out "$45.90" and insert "$45.70"; line 24, to strike out "$139.75" and insert "$151"; on page 4, line 3, to strike out "$470.35" and insert "$476.64"; line 7, to strike out "$113.33" and insert "$40.99"; line 10, to strike out "$530.15" and insert "$531"; line 14, to strike out "$151.09" and insert "$153"; line 18, to strike out "$363.53" and insert "$670.29"; on page 5, line 1, to strike out "$60.91" and insert "$52.54"; line 4, to strike out "$970.05" and insert "$984.70"; line 8, to strike out "$187.23" and insert "$191.36"; and, in line 13, to strike out "$801.42" and insert "$641.14," so as to make the bill read:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of William Alexander, late postmaster at Hayward, Wis., in the sum of $584.34, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Hayward, Wis.; Frank M. Clark, late postmaster at Wells, Minn., in the sum of $2,012.12, due the United States on account of loss of postal funds resulting from the failure of the First National Bank of Wells, Minn.; George V. Welch, late postmaster at Phillip, S. Dak., in the sum of $970.59, due the United States on account of the loss of postal funds resulting from the failure of the First State Bank of Phillip, S. Dak.; Grant W. Newton, late postmaster at Canadian, Okla., in the sum of $253.56, due the United States on account of loss of postal funds resulting from the failure of the Fidelity National Bank, Oklahoma City, Okla.; William T. Hughes, late postmaster at Fort Cobb, Okla., in the sum of $119.13, due the United States on account of the loss of postal funds resulting from the failure of the Caddo County Bank of Fort Cobb, Okla.; Lucy V. Nelson, late postmaster at Joplin, Mont., in the sum of $278.79, due the United States on account of the loss of postal funds resulting from the failure of the First State Bank of Joplin, Mont.; Frank A. Gummer, late postmaster at Gildford, Mont., in the sum of $392.76, due the United States on account of the loss of postal funds resulting from the failure of the Gildford State Bank of Gildford, Mont.; Charles E. Mulliken, late postmaster at Hingham, Mont., in the sum of $850, due the United States on account of loss of postal funds resulting from the failure of the Farmers State Bank of Hingham, Mont.; Leo M. Rusk, late postmaster at Pocatello, Idaho, in the sum of $2,985.63, due the United States on account of loss of postal funds resulting from the failure of the Bannock National Bank, Pocatello, Idaho; Fred Falkenburg, late postmaster at Scotland, S. Dak., in the sum of $126, due the United States on account of the loss of postal funds resulting from the failure of the Scotland (S. Dak.) State Bank; Meary E. Kelly, late postmaster at Keller, Okla., in the sum of $45.70, due the United States on account of loss of postal funds resulting from the failure of the State National Bank of Ardmore, Okla.; William C. Hall, late postmaster at Murtaugh, Idaho, in the sum of $151, due the United States on account of the loss of postal funds resulting from the failure of the Bank of Murtaugh, Murtaugh, Idaho; Rufus L. Stewart, late postmaster at Jennings, Okla., in the sum of $476.64, due the United States on account of the loss of postal funds resulting from the failure of the Oklahoma State Bank of Jennings, Okla.; Hugo H. Ahlff, late postmaster at Grandmound, Iowa, in the sum of $40.99, due the United States on account of the loss of postal funds resulting from failure of the Peoples Savings Bank, Grandmound, Iowa; Paul J. Linster, late postmaster at Sisseton, S. Dak., in the sum of $531, due the United States on account of loss of postal funds resulting from the failure of the Guaranty State Bank of Sisseton, S. Dak.; Ruida Daniel, late postmaster at Moore Haven, Fla., in the sum of $153, due the United States on account of the loss of postal funds resulting from the failure of the Everglades State Bank, Moore Haven, Fla.; Faye F. Mitchell, late postmaster at Wanette, Okla., in the sum of $670.29, due the United States on account of the loss of postal funds resulting from the failure of the Security State Bank of Wanette, Okla.; Dollie Miller, late postmaster at Booker, Tex., in the sum of $357.61, due the United States on account of loss of postal funds resulting from the

failure of the Edwards National Bank of Booker, Tex.; Alfred Anderson, late postmaster at Manchester, S. Dak., in the sum of $52.54, due the United States on account of loss of postal funds resulting from the failure of the Farmers State Bank, De Smet, S. Dak.; Gustavus M. Rhoden, late postmaster at McClenny, Fla., in the sum of $984.70, due the United States on account of the loss of postal funds resulting from the failure of the Banker County State Bank, McClenny, Fla.; Marie L. Dumbauld, late postmaster at Shaw, Colo., in the sum of $191.36, due the United States on account of the loss of postal funds resulting from the failure of the Farmers State Bank, Bovina, Colo.; estate of Fred Moody, deceased, late postmaster at Warroad, Minn., in the sum of $641.14, due the United States on account of loss of postal funds resulting from the failure of the First National Bank of Warroad, Minn.: *Provided*, That the said late postmasters shall assign to the United States any and all claims they may have to dividends arising from the liquidation of said banks.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William Alexander, Frank M. Clark, George V. Welch, Grant W. Newton, William T. Hughes, Lucy V. Nelson, Frank A. Gummer, Charles E. Mulliken, Leo M. Rusk, Fred Falkenburg, Meary E. Kelly, William C. Hall, Rufus L. Stewart, Hugo H. Ahlff, Paul J. Linster, Ruida Daniel, Faye F. Mitchell, Dollie Miller, Alfred Anderson, Gustavus M. Rhoden, Marie L. Dumbauld, estate of Fred Moody, deceased."

ODELON RAMOS

The bill (S. 2594) for the relief of Odelon Ramos was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Odelon Ramos the sum of $5,000, as compensation for the death of his son, Jose Maria Ramos, a minor, who was killed in Bexar County, Tex., on June 5, 1924, when two United States Army airplanes collided.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. WILSON

The bill (S. 3077) for the relief of John T. Wilson was announced as next in order.

Mr. KING. I should like to have some explanation of that bill.

Mr. SHEPPARD. Mr. President, this was a case where the Veterans' Bureau had leased property at San Antonio, Tex., for four years, and the lessor made a number of expenditures on the strength of the contract; but the Government discontinued its contract at the expiration of three years, causing a loss to the lessor. The Veterans' Bureau reports that the lessor did sustain a loss equivalent to one year's rental, and the Committee on Claims have recommended that he be paid that amount.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John T. Wilson $12,153 in full settlement for damage suffered by him on account of the failure of the United States Government to pay him rent in accordance with the understanding between him and the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF THE ESTATE OF HENRY H. SIBLEY, DECEASED

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2602) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased. It proposes to pay to the legal representatives of Henry H. Sibley, deceased, $101,242.50, in full settlement of his claim against the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent.

Mr. MEANS. Mr. President, I think it only fair, inasmuch as these claims come before the Committee on Claims, of which I am chairman, to call the attention of Senators to the fact that, while I favor the bill and favor the action of the committee in reporting it, an identically similar bill was indefinitely postponed by the action of the Senate in 1917. I think Senators should know the facts before they pass on the bill, otherwise some Senator might think me derelict in my duty if I did not call their attention to them. I think the justice of this claim is absolutely indisputable, but I now make this statement lest some one might hereafter inquire why I did not call to the attention to the Senate the fact that in 1917, as I have stated, an identically similar bill had been indefinitely postponed by action of this body.

Mr. KING. Let the bill go over, Mr. President.

Mr. GLASS. Mr. President, unless the Senator from Utah has some knowledge of the bill and some particular reason for asking that it go over, I hope he will withhold his objection.

Mr. KING. I will withhold the objection for any explanation.

Mr. GLASS. Does the Senator from Utah know of any reason why the bill should not be passed?

Mr. KING. There are many bills that I know no reason why they should not be passed, but under the five-minute rule it is impossible to ascertain the facts and to discuss such bills as they should be discussed. Does the Senator from Virginia know of any reason why the bill should be passed?

Mr. GLASS. I do, or I should not be speaking about the bill.

Mr. KING. Then I shall be glad to have the Senator explain the bill, and I will withhold my objection until he does explain it.

Mr. GLASS. That is all I want. Mr. President, I have been for nearly 26 years a Member of one branch or the other of the Congress of the United States, and this is the only bill for a claim that I have ever been willing to champion, because it is so manifestly just. This claimant was for a period of 28 years an officer in the Army of the United States. He invented and patented a conical tent. Subsequently he sold a one-half interest in the patent to a fellow Army officer. The Civil War came on, and this particular officer, Henry H. Sibley, in 1861 resigned his commission in the United States Army and enlisted in the Confederate service. He subsequently was pardoned by the President of the United States, which, according to the decisions of the courts, constituted a complete removal of any bar against him in any legal proceeding. His fellow Army officer, Lieut. William W. Burns, when the contract was challenged, carried the case into courts and through all of the courts from the lowest to the highest, including the Supreme Court of the United States, and won his case. He was paid in full by the Government for his half interest in that patent. Now the heirs of this other Army officer, Henry H. Sibley, put in their claim for their half payment. The Senate on one occasion passed an identically similar bill, and on several other occasions such a bill was favorably reported from the Senate Committee on Claims but not acted on. Those, in brief, are the facts. The report goes into the case quite in detail and may be examined by any Senator who wishes to discuss the bill.

Mr. STEPHENS. Mr. President, may I say just a word in connection with this claim? I made the report on the bill from the Committee on Claims, and I took as the basis of my report a favorable report that was made by former Senator Crawford, of South Dakota. He investigated the case and made a full statement of all the facts in connection with the transaction. I think it was in that report that he stated that the claim had been before the Senate several times and that a favorable report had been made upon it at several sessions of Congress. As I remember, former Senator Hoar, of Massachusetts, made a favorable report, and five or six other Senators at various times submitted favorable reports on a similar bill. I may say that, as I now remember, only one Senator who made a favorable report on this bill came from the South. Therefore it can not be argued that any one of those Senators, except perhaps the one to whom I have referred, was influenced by the fact that this is a Virginia claim.

This case was finally referred to the Court of Claims, and that court submitted findings of fact. The findings of the court are set out in the report. As the chairman of the committee, the Senator from Colorado [Mr. MEANS], said a moment ago, there can be no question as to the justness of this claim. It is an honest debt and should be paid. The money has been kept from the claimant entirely too long.

It is true, as the Senator suggested, that on one occasion a similar measure was indefinitely postponed, but, of course, we know that that is not binding on this body at all.

I feel, as has been stated, that this is a just claim, and no real objection, so far as I have found, has been offered against its payment.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. STEPHENS. I yield.

Mr. KING. Does the amount proposed to be paid include interest or does it merely cover the principal?

Mr. STEPHENS. It does not include interest; it merely covers the principal.

Mr. KING. And it is the same amount which the other partner received?

Mr. STEPHENS. The other partner received the identical sum which it is provided shall be allowed to the claimants in this instance. The two men were equal partners.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. R. GRACE & CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 496) for the relief of W. R. Grace & Co., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. R. Grace & Co., of New York City, the sum of $4,356.35, being the amount which the said W. R. Grace & Co. paid to the collector of customs of New York City as customs duties on certain shipments of cauchillo gum, aggregating 35,401 pounds, imported into the United States during the calendar years 1918 and 1919, in excess of the amount of the proper duties which should have been paid upon such shipments of cauchillo gum as a nonenumerated unmanufactured article under paragraph 385 of the tariff act of 1913.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, was Senate bill 496, Order of Business 342, passed?

The VICE PRESIDENT. It was.

Mr. KING. I will enter a motion to reconsider that action later.

Mr. MOSES. I suggest that the Senator enter the motion now.

Mr. COPELAND. Mr. President, perhaps the Senator from Utah will explain his objection to the bill now.

Mr. KING. Then, Mr. President, I move to reconsider the votes whereby the bill was ordered to a third reading and passed for the purpose of calling attention to a statement that I see in the report. I know nothing about the bill.

The VICE PRESIDENT. Without objection, the votes whereby the bill was ordered to a third reading and passed will be reconsidered.

Mr. KING. As Senators know, these bills come here in large numbers, and we do not have time to examine them except as they are hurriedly passed. On page 2 of the report I find a letter written by the Secretary of the Treasury, Mr. Mellon, in which he states:

With respect to the merits of the claim I have to state that while the importers have paid more duty than was under the court's decision in similar cases held to be due on this class of merchandise, they failed to protect their interest in the manner provided by law and are in the same situation as many other importers who through negligence, ignorance, or indifference have failed to make proper protests. If this claimant had taken the proper action, the excess duty collected would have been refunded by the department.

As I understand the situation—and, of course, I do not pretend to know much about the facts in the case—an amount was paid upon the theory that a certain schedule or standard of tariff duty applied to the particular commodity. No protest was made. The time for appeal passed, and then later the claim was preferred. As Secretary Mellon said, if this importer had taken the proper steps required by law to be taken, or had availed himself of the avenues which the law provides for rectification of errors, he could have been reimbursed.

Mr. COPELAND. Mr. President, it is very natural that the Senator should have this feeling. This was during the war when there was a shortage of chicle, and so they brought in a quantity of cauchillo. Believing that the rate was the same for cauchillo as for chicle, Grace & Co. paid the duty. They had a 30-day period in which to make a protest that they had overpaid; but in the rush of time, in the war period, they did not discover that there was this difference in schedule between cauchillo and chicle. As Mr. Mellon says in his letter, if they had made the protest, the money would have been refunded at once.

This matter was fully explained in the Sixty-eighth Congress. I had a similar bill here at that time, and the Senate took the view that the claim was a very just one, that this amount had been paid in ignorance of the real duty upon cauchillo, and that a refund was proper; and that is exactly the position which is taken by the Secretary of the Treasury. He says:

If this claimant had taken the proper action—

That is, within 30 days—

the excess duty collected would have been refunded by the department.

So, now that the thing has been brought to the attention of the Congress, it is right that the refund should be made.

Mr. KING. Will the Senator read the preceding paragraph, please?

Mr. COPELAND. Certainly:

It appears that no protest was filed by W. R. Grace & Co. against the collector's liquidation of any of these entries, as provided for under paragraph N, Section III, of the tariff act of October 3, 1913, nor does it appear why the company failed to avail itself of its remedy by protest as provided for in said paragraph N.

To go back to paragraph N, it says that this must be done within 30 days.

Mr. SMITH. The point is this: Did they actually pay more than the duty required by law?

Mr. COPELAND. They did.

Mr. SMITH. Very well. It is not a question of time, then. It is a question of what is due.

Mr. MEANS. Mr. President, an important thing has been overlooked there I think; and that is that the matter was not definitely determined until the Court of Customs Appeals decided the question. This bill is based upon the decision of the Court of Customs Appeals, which held that these commodities should be enumerated separately, and therefore the importer would be entitled to the 10 cent rather than the 15-cent rate.

Mr. WILLIAMS. Mr. President, the outstanding fact in this case is that the Government holds some $4,000 or more which belongs to Grace & Co.

Mr. SMITH. That is right.

Mr. WILLIAMS. The claim is admitted; and in claims like this, where there is no recourse to the courts, and where the harsh rules of law will not apply, if by inadvertence or mistake or otherwise those harsh rules can not avail to give assistance to a claimant his only recourse is to have legislation just like this to give him that which is justly his.

Mr. TRAMMELL. Mr. President, I reported the bill on the part of the committee, and I desire to say that the statement made by the chairman of the committee is entirely correct.

This was a case in which the claimant paid this duty upon a certain classification, that classification being fixed by the customs officer. I am not sure that he paid it under protest at the time; but, anyway, the matter was litigated and went before the Court of Customs Appeals, as stated by the chairman. While this matter was pending the statute of limitations ran, and when the court determined that the commodity had been placed in the wrong classification unfortunately this claimant had not instituted any proceedings in the way of formal legal claim, and the statute barred him. The Government, however, received the money; it had no right to receive it; and it is only by this technicality that the claimant can be precluded from his rights.

Mr. KING. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield.

Mr. KING. The Senator makes a statement that I do not find in the letter of Mr. Mellon. Is it a fact that Grace & Co. did avail themselves of some statute and bring a suit for this amount?

Mr. TRAMMELL. Grace & Co. did not, but some other company did. Some other company contested the matter in the courts.

Mr. KING. But not Grace & Co.?

Mr. TRAMMELL. Not Grace & Co. The contest in the courts was instituted by some other person paying duty upon the same classification, and he contested the classification.

Mr. ROBINSON of Arkansas. And it was held in that case that the Government was not entitled to the money?

Mr. TRAMMELL. It was.

Mr. ROBINSON of Arkansas. It follows that in this particular case the Government has received money to which it was not entitled.

Mr. TRAMMELL. That is the situation.

Mr. ROBINSON of Arkansas. This bill is on the basis of a great many others that come here. I think the Senator from Florida is right.

Mr. FLETCHER. Mr. President, the Court of Customs Appeals held that this merchandise was assessable at 10 cents, and they had paid 15 cents. In the meantime the accounts of the collector were settled, and the Treasury can not pay back the amount of the overpayment.

Mr. TRAMMELL. That is the fact.

The VICE PRESIDENT. The question is upon the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

INDEMNITY TO OWNERS OF SWEDISH STEAMSHIP "OLIVIA"

Mr. BAYARD. Mr. President, on talking with the Senator from New Hampshire [Mr. MOSES] I find that he is willing to withdraw his objection to the consideration of Order of Business No. 335, being Senate bill 1731, which was passed over a few moments ago. I ask unanimous consent to return to that bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1731) to authorize the payment of an indemnity to the Government of Sweden on account of losses sustained by the owners of the Swedish steamship *Olivia* as a result of a collision between it and the U. S. S. *Lake St. Clair*. It proposes to pay to the Government of Sweden, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Swedish steamship *Olivia*, or any other parties pecuniarily interested, as a result of a collision between it and the U. S. S. *Lake St. Clair* on September 8, 1918, an amount equivalent to £7,672.2 on the date of the approval of this act, as recommended by the President in his message of May 31, 1924.

Mr. WALSH. Mr. President, I notice in the bill now before the Senate, and some other bills of similar character, it is recited—

That there is hereby authorized to be paid to the Government of Sweden, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor—

And so forth.

The report of the facts shows that there is an absolute liability upon the part of the United States, or would be if the United States were a private individual; that is to say, a ship owned by the United States, through the fault of the master or other navigator collided with a ship belonging to a citizen or subject of the state in whose favor the appropriation is made. Why is that language, "as a matter of grace and without reference to the question of liability therefor," inserted? As I read it, I thought we were merely making a kind of present to the Government of Sweden out of the kindness of our hearts simply because they asked us to do so.

Mr. BAYARD. Mr. President, I think the words referred to by the Senator from Montana embody the diplomatic phrase usually employed by the State Department in negotiating such matters. In this particular instance the negotiations were carried on by Mr. Hughes, while he was Secretary of State, as an accommodation between the two Governments, and it was on his report that the President recommended the payment of this claim. I can not otherwise explain the use of that language.

Mr. WALSH. It seems to be entirely contradicted by the report, for, according to the report, it is not at all a matter of grace without reference to liability, because the report discloses that there is a perfectly legal obligation upon the part of the United States to pay this money.

Mr. FLETCHER. The amount proposed to be appropriated merely covers the losses actually sustained.

Mr. WALSH. Yes; and sustained by the fault of the representatives of the United States. Perhaps the Senator from New Hampshire, who is familiar with matters of this kind, can elucidate this question.

Mr. MOSES. No, Mr. President; I am not familiar with the claim to which the Senator from Montana is referring. I have some familiarity, however, with other claims presented by the Government of Norway, and, so far as I am concerned, it makes not the slightest difference what the language of the proposed legislation may be, if I can prevent it, those bills are not going to be passed until that Government has rendered some sort of satisfaction to certain American citizens who have claims pending against it, but who have been treated, as I believe, most unjustly, and who for three years have been unable to obtain any satisfaction whatever.

Mr. SWANSON. Mr. President, ordinarily in the case of a collision between ships, except where the negotiations are conducted through diplomatic channels, we authorize the claimant to go into the Court of Claims, and the amount of damage and liability is established in court.

In such cases as this I understand the State Department examines the claim, and if satisfied that a certain amount is due sends the papers, with a recommendation, to the Committee on Foreign Relations. That was the practice for several years. That committee, however, reached the conclusion that such cases had better go to the Committee on Claims; so that now all claims of this kind are referred to that committee.

I do not know why the words referred to by the Senator from Montana are employed; but I presume it is not desired to admit liability.

Mr. MOSES. In addition, that practice in the Committee on Foreign Relations obtains with reference to all sorts of claims, as for example, we have had claims presented by consular officers and other foreign representatives who have suffered by reason of fires or disasters or as a result of war, and such claims have been transmitted by the Committee on Foreign Relations to the Committee on Claims.

Mr. SWANSON. There might be other claims for damages growing out of such accidents, and I suppose the language was used in order not to confess liability as to cases that might arise in the future.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN PLUMLEE, ADMINISTRATOR

The bill (S. 1341) for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to John Plumlee, administrator of the estate of G. W. Plumlee, deceased, of Chattanooga, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,275, such sum being the amount which was paid by the said G. W. Plumlee in his lifetime to the collector of internal revenue for the district of Tennessee for certain land owned by J. A. Cunningham in Hamilton County, Tenn., which was sold under a warrant of distraint issued by the collector of internal revenue for the collection of delinquent taxes and penalties due the United States, which land was never delivered by the United States into the possession of the said G. W. Plumlee in his lifetime nor into the possession of the said John Plumlee, administrator.

SEC. 2. That payment of such sum of money to John Plumlee, administrator, shall be made upon condition that the heirs of the said G. W. Plumlee, deceased, deliver, prior to the payment, a quitclaim deed to the collector of internal revenue for the district of Tennessee conveying to the United States all the right, title, and interest of such heirs in the land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL S. GLOVER

The bill (S. 1515) to extend the benefits of the employees' compensation act of September 7, 1916, to Daniel S. Glover, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Daniel S. Glover, on account of the results of an injury sustained January 28, 1913, while in the performance of duty as an employee of the navy yard at Washington, D. C., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

Mr. JONES of Washington. Mr. President, I think there ought to be an explanation of why compensation is proposed to be provided in this case.

The VICE PRESIDENT. This bill was introduced by the senior Senator from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. President, this bill deals with a case where a man had an eye put out while he was working for the Government. At the time of the accident the disability was not total, but it got worse and worse, and finally it became absolute—a total disability. The accident happened in a naval torpedo station, where the claimant was employed. He could not get relief under the employees' compensation act because it was passed subsequently. The blindness came on some time afterwards because of an accident that occurred prior to the passage of the act, and this amount is not paid by the Government. It is paid out of the compensation fund provided by these people, who pay a certain percentage of their salaries under the compensation act.

Mr. JONES of Washington. Mr. President, I do not understand that the compensation is taken care of in that way. This comes under the employees' compensation act; does it not?

Mr. SWANSON. Under that act this man would get so much a month.

Mr. JONES of Washington. Yes; but the point I have in mind is this: I have introduced a bill to take care of those who, while in the Government service, were injured prior to the

passage of the employees' compensation act, so as to make the act apply to them. I have not been able to get any action on that bill yet. I really think that Government employees who were injured one, two, three, or even four years before we passed the employees' compensation act, if they were injured in accordance with the terms of that act, should be entitled to compensation under it; that they should be permitted to come in under the act. I have not been able to get action on that general bill, and here is a particular measure, and I was wondering how it happened.

Mr. SWANSON. If the Senator will permit me, the man's eye was hurt before October, 1916, when this law became operative.

Mr. FLETCHER. He was injured in 1913, three years before.

Mr. SWANSON. Yes; three years before. The evidence shows that the eye got worse and worse, and was treated repeatedly, and he finally became totally blind after this act became operative.

Mr. JONES of Washington. I am not especially objecting to this bill. I was just wondering why we can not get action on general legislation taking care of all of those who were injured before that time.

Mr. SWANSON. If the general cases are entitled to it, this is certainly a deserving case, where a blind man can not get a living because he lost his eye while in the service of the Government.

Mr. JONES of Washington. Did he lose both eyes?

Mr. SWANSON. I think he lost the sight of both eyes. The other one was hurt so that he could not do any work, as the Senator will see if he will read the report.

Mr. JONES of Washington. I have not had time to read it. I have not had an opportunity to do it.

Mr. SHORTRIDGE. Mr. President——

Mr. TRAMMELL. I think he lost the sight of one eye only.

Mr. SWANSON. But my recollection is that it affected the other one very seriously.

Mr. JONES of Washington. The main thing I had in mind was, if we apply this law in one case, why not pass a general law applying it to all those who were injured who were in the employ of the Government beforehand?

Mr. SWANSON. I have no objection to that, but I do not see why in this special case we should delay justice.

Mr. JONES of Washington. I am not objecting to the Senator's bill. I am not going to object to it either, because I think people who were injured in that way ought to have their compensation under this law.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRY SIMPSON

The bill (S. 1522) to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Harry Simpson, on account of the results of an injury sustained March 9, 1915, while in the performance of duty as an employee of the navy yard at Norfolk, Va., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

Mr. JONES of Washington. Mr. President, here is another bill of the same nature. What are the facts in this case?

Mr. SWANSON. The facts in this case are that this man had his hands hurt and afterwards was dismissed from the Navy. His condition became such that he could not do his work. The accident happened in 1915, about a year prior to the operation of the law of 1916. He worked on until 1921, using one hand on light work. Then when it became necessary to dismiss people in the navy yard he was dismissed, and the Secretary of the Navy and those who examined the case have recommended that he ought to be paid compensation.

Mr. JONES of Washington. Mr. President, I should like to ask the chairman of the Claims Committee, or the committee that would have charge of legislation of this kind, if any consideration is being given to the matter of general legislation bringing all persons who are injured in the way required by the compensation act under the compensation act?

Mr. WILLIAMS. Mr. President, may I make an inquiry of the Senator?

Mr. JONES of Washington. Certainly. I am inquiring for information myself.

Mr. WILLIAMS. Will the Senator from Virginia yield?

Mr. SWANSON. I yield.

Mr. WILLIAMS. The provisions of Senate bill 1515, which has just been passed, and Senate bill 1522, which is now under consideration, are similar. The purport of this bill is to bring within the intendment of the act of September 7, 1916, an injury that occurred prior to that time. I call the attention of the Senator from Virginia to the form of the bill itself, that the provisions of this future act shall be made retroactive with respect to this particular case, so as to bring this particular case within the intendment of the general law. I understand that the objection raised by the Senator from Washington is that there was no general law to cover the case of either Simpson or Glover at the time they sustained their injuries, and that the effect of this bill, as of the previous bill just considered, is to make the provisions of this act retroactive in a particular case.

I call the attention of the Senator to the form which the bill takes. We are not really making it retroactive. What we are really doing is appropriating a sum of money for the benefit of one Glover. The exception which you make from the general law seems to me to be objectionable. Does not the Senator think so?

Mr. SWANSON. No; I do not. The act of September, 1916, as the Senator has said, applies to people who are subsequently injured. This man was injured a year before. He worked after that. He was not retired from the Navy. He had to do light work on account of his hand being hurt, or cut off. This simply applies the act to him.

Mr. WILLIAMS. My point is that the injured person is not entitled to the benefits of the compensation act, and that he would become entitled to the benefits of that act by the retroactive provisions of this proposed law.

The VICE PRESIDENT. The Chair will have to call attention to the rule allowing Senators to speak only once, and for five minutes, upon any question.

Mr. JONES of Washington. I would like to ask the chairman of the committee a question, not particularly with reference to this bill, but as to whether or not the committee is giving any consideration to legislation looking toward taking care of those who may have been injured in the Government service prior to the passage of the compensation act.

Mr. MEANS. Nothing of that kind has yet been considered, and no such bills are now before us. The Committee on Claims passed a rule that all bills which were reported favorably at the last session of Congress, and passed by the Senate, would be put upon the calendar. That is why I personally am not familiar with those bills. All new bills which have been reported I, as chairman, am personally familiar with and can speak upon, but those which came in a group by reason of the rule I can not explain, nor am I familiar with those particular bills. There is at present nothing before the committee contemplating action such as the Senator suggests.

Mr. JONES of Washington. I know that I introduced a bill in the last Congress to take care of cases of this kind, and I thought I had introduced it in this Congress, though I can not be sure that I did. One or two claims were brought to my attention where the parties were injured prior to the passage of the compensation act, and I thought they should be taken care of, but I thought that all persons should be taken care of; and I know that in the last Congress I introduced a general bill.

I have no objection to this bill; I think it is meritorious, so far as that is concerned. But I think it ought to be made general in its application, so that anyone who was disabled in the Government employ, even prior to the passage of the compensation act, should be eligible to come under it. I have no objection to this bill; I merely wanted to find out whether the committee was considering the matter of general legislation.

Mr. MEANS. If such a bill is before my committee, I will look into it and give it my attention.

While I am on my feet and Senators are listening, may I say to Senators who have introduced bills of this character that the House Committee on Claims have determined that no bills will be passed which antedate the Spanish-American War. The attention of Senators will be called to such bills by me, and there is hardly need for us to spend so much time on those bills when there are Senators urging us to give consideration to new bills, there being over 600 Senate bills already before the

committee, and we are meeting and giving them as careful consideration as we can. I will take the new bills in preference to the old bills, because of the probability of the old bills being ignored in the other body, which must consider them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. WHITE AND MARY L. WHITE

The bill (S. 1555) for the relief of John F. White and Mary L. White was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs is authorized and directed to hear the claims of John F. White and Mary L. White, of Riverton, Wyo., for compensation for damage and injury to the property and persons of said claimants and of their children sustained in an automobile accident on August 7, 1918, in the Shoshoni and Arapahoe Indian Reservation, Wyo., and the sum of $13,200, or so much thereof as the Commissioner of Indian Affairs may deem necessary to pay such claims, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KING. Mr. President, it does seem to me that these persons are entitled to compensation. The only question is whether it is wise and proper to leave it to the Commissioner of Indian Affairs to hear these claims, to sit as a judge and jury. It seems to me these people ought to go to a court or to some judicial tribunal. I do not object, but I call attention to that fact.

Mr. KENDRICK. Mr. President, I suggest to the Senator that the bill does not authorize the payment of a fixed amount. The amount to which these people are entitled is left to the discretion of the Commissioner of Indian Affairs. There seems no reason to doubt, as the Senator from Utah has suggested, that they are entitled to certain damages. All of the facts set out indicate that they are. This bill merely gives authority to the commissioner to examine into the facts and to make payment accordingly. I can not conceive of him awarding any damages over and above the amount to which they are clearly entitled.

Mr. WALSH. Mr. President, this enforces the view which some of us entertain that there ought to be some general legislation providing for the determination in the courts of causes of action of this character. I would like to ask anyone why a controversy of this character should not be determined in the United States District Court for the District of Wyoming. We propose to put it up to the Commissioner of Indian Affairs to try this question. It is claimed that there was a defective road on the reservation, under the care of the superintendent, and that the accident resulted from that cause.

The superintendent, I observe, insists that the claimant, John F. White, was guilty of contributory negligence. There is a question of negligence and contributory negligence, and the amount of damages which should be recovered. We confess that we are not able to determine those questions, and of course we are not. Why should those parties be compelled to come before the Commissioner of Indian Affairs to make a case when they could make it just exactly as well out in the State of Wyoming, before the court there, which would hear the testimony and make findings of facts? It would not be necessary even to make an appropriation to pay anything. The report on the facts could be sent to Congress. The facts should be determined by some court rather than by a committee here which is burdened with a lot of other duties and can not possibly give proper consideration to these questions?

I know how averse some Senators are to having these claims against the Government of the United States determined by a court, but we are taking altogether too much time away from things which should really engage our attention instead of determining these matters, which are really for adjudication by a court. Let some one tell me a good reason why the Commissioner of Indian Affairs is better equipped to determine the facts of this matter than the district court for the district of Wyoming.

Mr. KENDRICK. I want to ask the Senator from Montana whether it has been the custom uniformly to settle these cases in the courts?

Mr. WALSH. No; it has not. I am insisting that it should be so.

Mr. KENDRICK. According to the evidence here there is no question but that the injury was suffered, and there is no question as to the negligence of those authorized to protect this road. This bill was reported favorably by the committee at the last session of Congress but failed to receive action in the Senate. As already explained, it does not authorize the payment of any particular, specified amount. It is only reasonable to believe, under the suggestion that changes be made in the bill, that the commissioner will exercise every discretion in his power in settling the claim on an equitable basis.

Mr. KING. I notice that the bill provides for $13,200.

Mr. KENDRICK. It provides that the commissioner shall pay such part of that amount as he considers just and equitable.

Mr. KING. I think this is very unwise legislation. If he were authorized to find the facts and report them to Congress with a recommendation as to what he found would be a just amount, there could be no objection, but it does seem to me very unwise to say that we appropriate not exceeding $13,200, and that he is to find up to that amount and to pay it without any further action or the approval of Congress.

Mr. KENDRICK. He would not have the power to pay any more than would be sufficient to meet the situation.

Mr. WILLIAMS. Mr. President, I notice in the report that the Secretary of the Interior recommends that the bill be amended so that it will appear on the face of the bill that the damages to be recovered are to be recovered as the result of an accident that occurred on account of the condition of the road. I notice the Senator has not offered the suggested amendment but asks for damages on the broad ground of the automobile accident on a reservation. Does not the Senator think the bill should be amended?

Mr. KENDRICK. As I understand, the language that was objectionable to the Secretary of the Interior has been stricken out of the bill.

Mr. JONES of Washington. Mr. President, I think this bill should be amended in line 11, that the words "authorized to be" should be inserted. It purports actually to appropriate the money.

Mr. KENDRICK. I have no objection to that amendment.

Mr. JONES of Washington. After the word "hereby" in line 11, I move to insert the words "authorized to be."

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, this is a bill which was reported at the last session of Congress favorably, with certain proposed amendments. Under the rule which was adopted by the Committee on Claims, all bills reported favorably at the last session of Congress were to be reported at this session without further action or consideration on the part of the committee. Under that rule, the clerk of the committee, of course, submitted a report covering all bills theretofore favorably reported. This bill should be amended, as suggested in the report, as referred to by the Senator from Missouri. I remember discussing the bill, and the committee was of the impression that it should be confined entirely to this accident. I would like to have it amended in that particular. Can the Senator from Missouri call attention to the amendment which was proposed when the report was made?

Mr. WILLIAMS. My understanding is that the amendment proposed is found on the bottom of page 2 of the report, in next to the last paragraph.

Mr. WALSH. Mr. President, let me remark that the amendment suggested by the Secretary should come in line 8, after the figures "1918," and should read, "which occurred because of the failure to repair a road."

Mr. TRAMMELL. I propose that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ALPHONSE DESMARE, DECEASED

The bill (S. 2483) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. JONES of Washington. I was going to ask the Senator from Louisiana how much is involved in the bill and if he will not give us a brief explanation of it.

Mr. RANSDELL. I can not tell exactly what amount is involved. Certain cotton was seized by the Federal forces during 1863, which was sold, and the proceeds passed to the credit of the Government and are now in the hands of the Government. The report shows very clearly that these people were loyal——

The VICE PRESIDENT. The hour of 5 o'clock having arrived, the time allotted for the consideration of bills on the calendar has expired.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.), under the order previously entered, took a recess until to-morrow, Thursday, April 1, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 31 (legislative day of March 27), 1926

FOREIGN SERVICE

FOREIGN SERVICE OFFICERS, UNCLASSIFIED

Dale W. Maher, of Missouri.
Edward J. Sparks, of New York.
William Clarke Vyse, of New York.

VICE CONSULS OF CAREER

Dale W. Maher, of Missouri.
Edward J. Sparks, of New York.
William Clarke Vyse, of New York.

UNITED STATES MARSHAL

Edgar C. Snyder, of the District of Columbia, to be United States marshal, District of Columbia. A reappointment, his term expiring April 6, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 31 (legislative day of March 27), 1926

COLLECTOR OF INTERNAL REVENUE

Galen H. Welch, to be collector of internal revenue for the sixth district of California.

POSTMASTERS

CALIFORNIA

Charles S. Catlin, Saticoy.
Shirey S. Abeel, Sebastopol.

INDIANA

Hal T. Kitchin, Greensburg.
Orpheus M. Dickey, Shoals.

MICHIGAN

John N. Kart, Augusta.
Fred U. O'Brien, Coral.

NEW JERSEY

Fred D. Matteson, Berlin.
Raymond W. Losey, Blairstown.
Charles G. Melick, Milford.
Edward Iredell, Mullica Hill.
Edward W. Vanaman, Newfield.
John H. Stegmann, Westwood.

NORTH DAKOTA

John H. Bolton, Fairmount.

OKLAHOMA

Herman J. Fleming, Canton.

RHODE ISLAND

Florence E. Booth, Oakland Beach.

WISCONSIN

Edward K. Cunningham, Berlin.
Halvor Thorson, Hawkins.
Matthew H. Schlosser, Knapp.
Martin A. Hanson, Menomonie.
Albert H. Anderson, Nelson.
Arnold E. Langemak, Sawyer.

WYOMING

Margaret S. Flatter, Diamondville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 31, 1926*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our heavenly Father, morning, noon, and evening Thou art pouring forth those affections which bestow happiness upon our homes; blessed be Thy excellent name. At Thy touch the better feelings of our natures are moved and the spheres of our usefulness are enlarged. Do Thou awaken in us those aspirations that lift toward God and evoke the very best that is in us. O bring all peoples everywhere to a high plane of understanding and self-control. Holy Spirit come forth from the bosom of the infinite God and hover over our land until all laws and all institutions shall feel Thy presence and be directed by Thy wisdom and inspired by lasting verities of Thy Holy Word. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 61]

Abernethy	Dempsey	Kendall	Ransley
Aldrich	Douglass	Kerr	Rathbone
Anthony	Drane	Kindred	Robsion, Ky.
Auf der Heide	Drewry	Kirk	Rogers
Ayres	Edwards	Kunz	Rutherford
Barkley	Esterly	Lankford	Shreve
Beedy	Fitzgerald, Roy G.	Larsen	Sinclair
Bell	Flaherty	Lee, Ga.	Sosnowski
Berger	Foss	Lindsay	Sproul, Ill.
Bixler	Frear	Linthicum	Steagall
Black, N. Y.	Fredericks	Lyon	Strong, Pa.
Bloom	Freeman	McDuffie	Sullivan
Britten	Funk	McLaughlin, Nebr.	Swoope
Burdick	Gallivan	McSwain	Tincher
Butler	Gambrill	Magee, Pa.	Tucker
Carter, Okla.	Golder	Mansfield	Tydings
Chapman	Green, Iowa	Menges	Updike
Cleary	Hammer	Michaelson	Upshaw
Connolly, Pa.	Harrison	Mooney	Vare
Cox	Hawley	Newton, Mo.	Vinson, Ga.
Crisp	Hudspeth	O'Connor, N. Y.	Voigt
Crowther	Hull, William E.	Phillips	Walters
Crumpacker	Johnson, Ill.	Pou	Whitehead
Curry	Johnson, S. Dak.	Prall	Wood
Davey	Keller	Ragon	Wright
Deal	Kelly	Rainey	Zihlman

The SPEAKER. Three hundred and twenty-seven Members have answered to their names; a quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

NOTICE OF EARLY HOUR OF MEETING

The SPEAKER. The Chair desires to make a brief statement. It has been suggested to the Chair that it might be desirable on days when the House meets at a different hour than the usual time to notify Members by sending a call in advance of the hour of meeting. The Chair thinks the suggestion is a good one and will direct, until further notice, that the bells be rung for a quorum call 15 minutes before the House meets. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill and resolution of the House of the following titles:

H. R. 3834. An act to amend section 65 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; and

H. J. Res. 147. Joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Soil Science to be held in the United States in 1927.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 8918. An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 59. Joint resolution authorizing the Secretary of War to lend cots;

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department;

S. 856. An act for the relief of Joseph Mayhew;

S. 1609. An act to increase the pensions of those who have lost limbs or have been totally disabled in the same or have become totally blind in the military or naval service of the United States;

S. 1962. An act to amend section 101 of the Judicial Code as amended;

S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony and authorizing the appropriation of funds therefor;

S. 2323. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage;

S. 2335. An act for the relief of the Andrew Radel Oyster Co.;

S. 2530. An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail;

S. 2746. An act to correct the naval record of Charles David Gutheridge;

S. 2853. An act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery;

S. 3108. An act to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor";

S. 3269. An act to grant to the city of Key West, Fla., a tract of land belonging to the United States naval hospital at that place;

S. 3286. An act to authorize reduced freight rates in cases of emergency;

S. J. Res. 37. Joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; and

S. J. Res. 56. Joint resolution to amend an act entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 59) authorizing the Secretary of War to lend 3,000 cots, 3,000 bed sacks, and 6,000 blankets for the use of the encampment of the United Confederate Veterans, to be held at Birmingham, Ala., in May, 1926.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Senate bills and Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2853. An act to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery; to the Committee on Public Buildings and Grounds.

S. 3108. An act to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; to the Committee on Agriculture.

S. 3269. An act to grant to the city of Key West, Fla., a tract of land belonging to the United States naval hospital at that place; to the Committee on Naval Affairs.

S. 3286. An act to authorize reduced freight rates in cases of emergency; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 37. Joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; to the Committee on Agriculture.

S. J. Res. 56. Joint resolution to amend an act entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925; to the Committee on the District of Columbia.

S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor; to the Committee on Indian Affairs.

S. 2323. An act to provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage; to the Committee on the District of Columbia.

S. 2335. An act for the relief of the Andrew Radel Oyster Co.; to the Committee on Claims.

S. 2530. An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail; to the Committee on Indian Affairs.

S. 569. An act to authorize the transfer of surplus books from the Navy Department to the Interior Department; to the Committee on Naval Affairs.

S. 856. An act for the relief of Joseph Mayhew; to the Committee on the Public Lands.

AIRCRAFT FOR THE NAVY AND MARINE CORPS

Mr. SNELL. Mr. Speaker, I present for printing under the rule a privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution (H. Res. 199) providing for the consideration of H. R. 9690, a bill to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith.

The report was referred to the calendar and ordered printed.

The SPEAKER. Pursuant to the order of the House, the Chair recognizes the gentleman from Illinois [Mr. MADDEN] for 20 minutes.

REPRESENTATIVE CHARLES E. FULLER

Mr. MADDEN. Mr. Speaker and gentlemen, to-day is the seventy-seventh birthday of my colleague, the Hon. CHARLES E. FULLER, of Illinois. [Applause.] He has been a member of this House for nearly a quarter of a century. It has been my privilege to know Mr. FULLER for more than 40 years. During that period I have had great pleasure in watching his progress. He was born on a farm not far from where I live in Illinois. His father and mother came to Illinois from Vermont in the early history of the State. He is what might be called a "typical Yankee." He has all the attributes of a great American. He has lived close to the soil all his life. He has stood for the things that were intended to promote the well-being of America and Americans. He has been often in public life and has made a great record wherever he has served. He has been elected to office eighteen times by the people of Illinois, indicating that they have confidence in his judgment and his integrity. He is one of the most powerful men in public life in our State. He is the type of man that young men look up to with admiration and as a worthy examplar. He has an eloquence that is seldom surpassed and uses his voice and his genius for the promotion of the public welfare. [Applause.]

I recall being a candidate for the Senate once myself, in 1896, and I traveled around the State with Mr. FULLER, who made the speeches in that campaign, telling the people about my fitness for the position to which I aspired. I felt rather safe under his guidance because of his sound judgment. He always looks forward, never backward; he deals with problems not only of this day but of the next and many that are to come. He is a farseeing man. He has vision, he has views, and he has courage and integrity.

He never trims his sails to meet a passing breeze; he stands four-square before every wind that blows and expresses his opinions without fear of the effect of those opinions upon his political welfare. No man who has served in public office is more deserving of the confidence and the thanks of the people of his State and Nation than CHARLES E. FULLER. [Applause.] It is a great privilege to stand here before the Representatives of the American people and tell the truth about a man who so deserves it as CHARLES E. FULLER does. The people of Illinois know Mr. FULLER. While in recent years, because he has not been very well, Mr. FULLER has not taken an active part on the floor of the House vocally, yet he is one of the most effective legislators who ever served in the House. He is

the friend of the old soldiers and has done more to promote their comfort than any other man I ever knew. [Applause.] He has knowledge and experience of inestimable value in the transaction of the public business and always uses that knowledge and experience to promote the best good of the Nation.

He stands in the affection of the membership of this House as few men have ever stood. He is close to the hearts of us all, regardless of politics. The people of his State will be proud to know that this House has paused for a few moments in the transaction of its everyday business to pay tribute to this worthy man, to his service, to his integrity, to his genius, to his Americanism. They will be proud to know that he has been singled out on this, his seventy-seventh birthday, by the greatest legislative body in the world as worthy of the tribute which is being paid to him by the House of Representatives.

O CHARLEY FULLER, this is a proud day for me. It ought to be a proud day for you and for your family. Few men are privileged to have a tribute paid to them by the House of Representatives. Although all men who serve here deserve a tribute, yet few men have called themselves to the attention of the House in such a way as to have the House call the attention of the Nation to the man as it is being called to you to-day. We are glad you are here; we are glad we are here to celebrate this seventy-seventh anniversary with you. We wish you long years of happy life yet to come, and that every day will bring new sunshine and happiness in your home and your heart. We bid you Godspeed in the efforts that you make on behalf of the public. We thank you for the devotion you have given to the public interest, the unselfishness with which you have served the Nation, and we trust that when the time comes for God to call you hence that later, if we should happen to be longer here than you, we shall join you where sorrow is never to be known. [Applause.]

BRIDGE ACROSS THE OHIO AND MISSISSIPPI RIVERS AT CAIRO, ILL.

Mr. DENISON. Mr. Speaker, I call up the conference report upon the bill (H. R. 9007) granting the consent of Congress to the Cairo Bridge & Terminal Co. to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill., and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9007) entitled "An act granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill.," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill, and agree to the same with an amendment as follows:

In lieu of the language contained in the said amendment, insert the following:

"That the consent of Congress is hereby granted to the Cairo Bridge & Terminal Co., its successors and assigns, to construct, maintain, and operate two highway or combined highway and railway bridges and approaches thereto; one across the Mississippi River at a point suitable for connecting the city of Cairo, Ill., with State Highway No. 16 in the State of Missouri, and the other bridge to be located over the Ohio River at a point suitable for connecting the city of Cairo, Ill., with the gravel highway from Wickliff to Paducah, in the State of Kentucky, and each of said bridges shall be located at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge or bridges shall not be commenced, nor shall any alteration in such bridge or bridges be made either before or after their completion, until the plans and specifications for such construction or alteration have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

"SEC. 2. There is hereby conferred upon the said Cairo Bridge & Terminal Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, or maintenance of such bridges, approaches, bridge terminals, works, and appurtenances as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such land and property is situated, upon making proper compensation therefor, to be ascertained according to the laws of such State, and the proceedings therefor may be the same as in the condemnation or appropriation of property for railroads or for bridges in such State.

"SEC. 3. The said Cairo Bridge & Terminal Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge or bridges, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 4. After the date of completion of such bridge or bridges, as determined by the Secretary of War, either the State of Kentucky, the State of Illinois, the State of Missouri, or any political subdivision of either of such States, within or adjoining which such bridge or bridges is or are located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge or bridges and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge or bridges they are acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge or bridges and approaches, less a reasonable deduction for actual depreciation in respect of such bridge or bridges and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge or bridges and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"SEC. 5. The said Cairo Bridge & Terminal Co., its successors and assigns, shall, immediately after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge or bridges and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge or bridges, the Secretary of War shall investigate the actual cost of such bridge or bridges, and for such purpose the said Cairo Bridge & Terminal Co., its successors and assigns, shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such original cost shall be conclusive.

"SEC. 6. In such bridges or either of them shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as toll bridges; in fixing the rates of toll to be charged for the use of such bridges, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the cost thereof within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Cairo Bridge & Terminal Co., its successors and assigns, and any corporation to which such right, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

Amend the title so as to read: "An act granting the consent of Congress to the Cairo Bridge & Terminal Co. to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill."

That the House recede from its disagreement to the amendment of the Senate to the title of the said bill and agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
DUNCAN U. FLETCHER,
HIRAM BINGHAM,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9007) granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill., submit the following written statement explaining the effect of the action agreed on:

On No. 1: The Senate struck out all of the House bill after the enacting clause and inserted the Senate bill. The managers on the part of the House have receded from their disagreement to the Senate amendment and have agreed to the same with certain amendments, as follows:

1. Before the word "bridges," in line 3 of the bill, insert the following words: "highway or combined highway and railway." The effect of this amendment to the Senate amendment is to grant the consent of Congress for the construction either of a highway or a combined highway and railway bridge as may be desired.

On No. 2: The second amendment to the Senate amendment reinserts in the bill the section of the original House bill granting the right of eminent domain to the builder of the bridges, so that it will have the right to condemn real estate or other property either in the State of Missouri, Kentucky, or Illinois for the purpose of acquiring the necessary approaches to the bridge.

On No. 3: This amendment amends the Senate amendment by inserting a separate section which provides that if the bridges or either of them shall be taken over and acquired by the States of Illinois, Kentucky, or Missouri, or their political subdivisions under other provisions of the bill, the same may thereafter be operated as toll bridges, but in fixing the rates of toll to be charged for the use thereof the tolls shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridges and their approaches and to pay an adequate return on the cost thereof and to provide a sinking fund sufficient to amortize the cost of the bridges within a period of not to exceed 30 years from the date of acquiring them. And after a sinking fund sufficient to pay the cost of acquiring such bridges shall have been provided, they shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridges.

This amendment is in harmony with the views of the House committee which would require that all toll bridges, either when originally constructed or when acquired from private owners by recapture, shall ultimately become free bridges.

On No. 4: The title of the House bill has been amended so as to substitute for the name of Harry E. Bovay the name "Cairo Bridge & Terminal Co." After the House bill was filed Mr. Bovay became no longer connected with the project, and the Cairo Bridge & Terminal Co. was incorporated for the purpose of constructing the bridges. The last amendment corrects the title so as to conform to the body of the act, making the Cairo Bridge & Terminal Co. the grantee of the franchise.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

BRIDGE ACROSS THE OHIO RIVER AT LOUISVILLE, KY.

Mr. DENISON. Mr. Speaker, I call up the conference report upon the bill (H. R. 9599) granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9599) entitled "An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the language contained in the Senate amendment insert the following:

"That the consent of Congress is hereby granted to the city of Louisville, Ky., or to any board or boards, commission or commissions, which may be duly created or established for the purpose, to construct, maintain, and operate a highway or combined highway and railway bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, extending from some point between Third and Twelfth Streets, in the city of Louisville, Ky., across said river to a point opposite on the Indiana shore, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alterations in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration shall have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

"SEC. 2. There is hereby conferred upon the said city of Louisville or such board or boards, commission or commissions, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminal as are possessed by bridge corporations for bridge purposes in the States in which such real estate and other property are located upon making proper compensation therefor, to be ascertained according to the laws of such States; and the proceedings thereof may be the same as in the condemnation and expropriation of property in such States.

"SEC. 3. The said city of Louisville, board or boards, commission or commissions, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 4. In fixing the rates of tolls to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the investment, and to provide a sinking fund sufficient to amortize the cost of the bridge and approaches within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches.

"SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,
Managers on the part of the House.

W. L. JONES,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9599) granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city, submit the following written statement explaining the effect of the action agreed on:

On No. 1: The Senate amendment struck out all of the House bill after the enacting clause and inserted the Senate bill. The managers on the part of the House have agreed to the Senate amendment with the following amendments thereto:

1. Before the word "bridge," in line 4 of the Senate amendment, insert the following words: "highway or combined highway and railway"; the effect of this amendment is to make it plain that the consent of Congress is granted to the city of Louisville to build either a highway bridge or a combined highway and railway bridge as the city may wish.

On No. 2: The second amendment to the Senate amendment is the reinsertion in the bill of the original section of the House bill granting to the city of Louisville the right of eminent domain, so that it can condemn property either in the State of Kentucky or of Indiana if it desires to do so.

On No. 3: The third amendment to the Senate amendment is the insertion of a provision requiring the city of Louisville to so adjust the tolls from the bridge as to provide a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge, and to pay an adequate return on the investment and to provide a sinking fund sufficient to amortize the cost of the bridge within a period of not to exceed 30 years from its completion; and after a sinking fund sufficient to pay the cost of constructing the bridge shall have been provided thereafter the bridge shall be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches.

This amendment is in accordance with the policy of the House committee which would require that all toll bridges, whether operated by private capital or by municipalities, shall ultimately become free bridges.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS.
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. Mr. Speaker, I missed the roll call in honor of our colleague, Mr. CHARLES E. FULLER, and rise to ask if there is any way in which I can be recorded present?

The SPEAKER. The Chair thinks the gentleman is now recorded as present.

Mr. EDWARDS. Mr. Speaker, I should like to break into the RECORD in the same way in order that I might be shown to have been present.

Mr. RUTHERFORD. Mr. Speaker, I rise to make the same statement.

Mr. COX. And the same is true of myself, Mr. Speaker.

CONDUCT OF JUDGE GEORGE W. ENGLISH

The SPEAKER. The unfinished business is the consideration of the articles of impeachment against Judge George W. English.

Mr. GRAHAM. Mr. Speaker, I yield 15 minutes to the gentleman from Missouri [Mr. HAWES]. [Applause.]

Mr. HAWES. Mr. Speaker, in December of 1924 representatives of a St. Louis newspaper called upon me in my office in this city and asked me to bring to the attention of the House the conduct of Judge George W. English. I asked why this was not called to the attention of the Congressman representing that district in Illinois, and I was told that his term of office would expire and that this matter would extend into the Sixty-ninth Congress.

I was familiar in a way with the condition of this court. Columns of newspaper articles and editorials had appeared for nearly a year arousing the interest of that entire community. The conduct of the court was a public scandal. However, I insisted that newspaper charges were not proof, and I required these men to bring me written statements and affidavits before I would direct the attention of the House to this matter. And then when I did bring it before the House it was in the form of a resolution calling for an investigation that might exonerate, that might cause a reprimand, that might cause an impeachment. I did not care whether it was an exoneration or a reprimand or an impeachment, but an intolerable condition existed close to my door.

I would like the House to follow me for a few moments as to the careful way in which this case came finally to your attention. Presenting my resolution I was forced, and properly, to make a prima facie case before your Committee on Rules, and then after your Committee on Rules had heard this discussion the matter was heard before the full Judiciary Committee of the Sixty-eighth Congress in a preliminary investigation. Hearing witnesses twice before the Committee on Rules and the whole Committee on the Judiciary, prima facie evidence had to be produced.

It resulted in the preparation of a resolution by the Committee on the Judiciary asking for an investigation, and that resolution required the joint action of Congress—the House and the Senate and the President of the United States.

The committee sent its subcommittee of seven to the city of St. Louis to conduct its investigation.

Here I desire to contradict the statement made by the gentleman from Indiana [Mr. HICKEY] that a Post-Dispatch attorney was waiting to proceed with this case.

Quite the contrary. Judge English was represented at that hearing in the court room at St. Louis by three of the ablest lawyers in Illinois, and the subcommittee had counsel at no time.

A mistake had occurred. It was expected that an Assistant Attorney General would be there to present the evidence, and he was not there, and the committee actually had to adjourn overnight to secure the employment of a lawyer. That lawyer went into the presentation of this case with only 12 hours' preparation.

The committee held hearings in St. Louis for over a week. They held hearings in East St. Louis and Centralia. They held hearings in the city of Washington. And finally the committee of seven, representing various sections of the United States, men without prejudice or bias, came in with a report for impeachment, unsigned by only one member. That member was called away by the death of a friend and did not hear all of the evidence.

That is as nearly unanimous a report as could be secured. These were the men who heard Judge English testify. They were the men who looked Karch in the face and Webb in the face. They heard the testimony and they weighed by the personal conviction that comes with personal contact, reporting their conclusions to the full Committee on the Judiciary in voluminous testimony of over 1,000 pages. Not content with that unanimous report by your subcommittee, Judge English asked the chairman of the Committee on the Judiciary the unusual privilege of argument before the whole Judiciary Committee. The chairman of this distinguished committee, having in mind the sanctity of Federal tribunals and desiring to be not only fair but more than fair, granted these great lawyers three days in which to argue this matter before the full Judiciary Committee. One argued the law, one the facts, and an old gray-haired attorney put the heart throb in his final speech. There was no response to this, excepting some 25 minutes' time which was accorded to me.

This is the record so far of the preliminary hearing before your Rules Committee, a preliminary hearing before the Judiciary Committee, the report of your subcommittee, and finally what now confronts this House: A demand for impeachment, approved by 19 of 23 members of this great committee. Only three join in a minority or a dissenting opinion.

One, the gentleman from Illinois, Governor YATES, dissents, and his dissent is a condemnation, if you read the last line of his statement.

You ask me why, because a newspaper started this story, I should have brought it to the attention of the House. I did it, gentlemen of the House, because it is the only remedy.

There are over 5,000 municipal and State judges in the United States. They can be removed by the mayors of the cities; in some cases they may be removed by the governor of the State, and in some cases they may be removed by impeachment; but in every case there is an expiration of the term of office, when the people may apply their remedy by defeating a corrupt or incompetent judge for reelection.

Two hundred and twenty-five Federal judges serve the people of the United States. They hold office during good behavior.

And the House of Representatives alone can say when the line between good and bad behavior has been crossed.

A man might be insane as a Federal judge and incarcerated in an asylum, and he could not be removed without impeachment in this House.

He might be charged with burglary and incarcerated in a penitentiary, but unless he resigned this House would have to act to bring about his removal by impeachment.

I heard arguments on this floor yesterday that were not a discussion of testimony. They were made as though the case were being tried. We are not trying this case. A board of managers will present the facts produced in this evidence, and then distinguished counsel for the judge and distinguished counsel from the House will argue these facts, both pro and con.

What concerns me more was the picture that was given to this House yesterday of the administration of justice in that district. There was something said about riots that took place in East St. Louis during the war. Frequently the awful thing of the Herrin massacres was paraded before this House. The gentleman from Illinois [Mr. HOLADAY] made a splendid presentation of his case. He created an impression upon the minds of this House about the men standing outside of the Federal court windows; he described the taking of guns away from these men, and the House was under the impression that that was in connection with a strike. It had nothing to do with a strike. It was a gang feud between men in Herrin, part of whom were charged with crime and part of whom were unofficially trying to punish that crime.

And if there is only one thing that this judge ever did he should be impeached for his acts that followed.

The chief of police surrounded these men. He arrested them. He locked them up in jail and took away their revolvers; and the judge called up the chief of police, elected by the citizens of East St. Louis, and his message, according to the testimony of a disinterested lawyer happening to be in the court room, was, "Tell that blankety-blank to release these men and give them back their guns."

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HAWES. I shall have to have some more time, Mr. Speaker. I will go through as quickly as I can.

Mr. GRAHAM. I will give the gentleman five minutes.

Mr. HAWES. That will not do, Mr. Chairman.

Mr. GRAHAM. Ten minutes.

Mr. HAWES. All right.

The SPEAKER. The gentleman from Missouri is recognized for 10 minutes more.

Mr. HAWES. Upon the order of this Federal judge—who was pictured to you as a man who wanted order in East St. Louis—the guns were restored to the gangsters, the guns on both sides, and the picture which you had presented to you that these gangsters were men arrested in a strike is not true. They had nothing to do with the strike.

But this Federal judge called upon the chief of police of one of our great cities and ordered him to release these men and restore their firearms to them.

A strike was in progress, but it had nothing to do with the Herrin situation. There was little disorder; there was one killing; there was delay about the arrest for the killing because it took place at the junction of three counties, and the authorities of the three counties were uncertain for a time as to who should make the arrest.

So, first, the chief of police of a municipality is ordered to release his own prisoners and restore their weapons to them.

Next, we find the sheriffs of three counties, each elected by the sovereign voters of the country; the prosecuting attorneys of three counties, each elected by the sovereign voters of those counties; and the mayor of a little city called in and put into the jury box and lectured with vile language by this Federal judge.

The gentleman from Illinois read to you a splendid stump speech about law and order. He was under the impression for a while that it was made from stenographer's notes, but that was not correct. It was a speech prepared by English a year after these occurrences took place.

Mr. Speaker, there is a phrase that some men use, a phrase which brings in a man's mother. It is a phrase that in certain sections of our land no man can use without smiling unless he expects to be shot. It is a phrase that will cause the smallest man to fight a giant. I have described it enough.

If you have gone through this evidence, you will find this judge, this disciple of Blackstone and this representative of justice and fairness, using that phrase in the court room frequently, in his chambers frequently, and outside of his chambers frequently, the language of a bully and a blackguard coming from the mouth of a Federal judge.

What attracted the attention of this great newspaper to this situation?

It was the conduct of the judge in bringing into his court officers of sovereign counties of the State of Illinois. This paper condemned that conduct. This paper circulates through the city of East St. Louis, having the largest circulation of any paper there.

A little newspaper, eking out a small existence, had the temerity to reprint the editorial from the great newspaper which had financial responsibility and which had really defied this judge.

When this little paper appeared this judicial tyrant called in the little editor and humiliated him and let the big paper go.

Mr. HOLADAY. Will the gentleman yield?

Mr. HAWES. Not now. When I am through I will. I did not interrupt the gentleman.

Mr. HOLADAY. I want to call the gentleman's attention to a mistake in the testimony. I do not think the gentleman wants to misquote the testimony.

Mr. HAWES. I will correct it or give the gentleman an opportunity to do so. Now, gentlemen, passing from this strange idea of a Federal judge, who thinks he can call in a chief of police and tell him what to do, the mayor of a city and tell him what to do, and circuit attorneys and county sheriffs and tell them what to do, we come to the matter of disbarment.

Unfortunately, everyone engaged in this controversy is a Democrat. The judge is a Democrat; Karch is a Democrat and an ex-United States district attorney; Ely was an assistant attorney of the United States; Webb is a Democrat; and I am a Democrat.

So, when men from the South like JOHN N. TILLMAN and HATTON W. SUMNERS come in here with this report and in addition to the report appeal to you on the floor of the House there can be no politics in this proceeding. It is their desire to restore justice and dignity to this court. [Applause.]

Members of the committee will discuss with you this afternoon the bankruptcy ring and the payment of the judge's own son of interest on bankrupt deposits. But I can say in passing, this man Thomas, who was the favorite receiver and who was the crown prince of the local legal fraternity in Judge English's mind, when this investigation began resigned from all employment that came to him through the courtesy of the judge. He was afraid? If he was an honest man why did he do this? Gentlemen stated that a report had been made upon the conduct of Thomas's office.

No such report was made except where it related merely to the details of bookkeeping, of how his office was conducted, of whether his records were kept straight. It passed on his efficiency as a bookkeeper and that is all.

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. GRAHAM. Mr. Speaker, I yield the gentleman 10 additional minutes.

Mr. HAWES. I will close, Mr. Speaker. I wish I had more time, but permit me to say in conclusion that from the earliest periods of English history the power of impeachment was employed not only to remove a man from office guilty of a crime, not only to remove a man from office for misbehavior, which is a branch of crime, but it was used to remove from office a man guilty of official misconduct.

I say without fear of contradiction, that in all the cases, from the first to the last, no judge impeached by this House ever had as many and as diversified and serious charges made against him as are presented against this man.

The House may be confused on the subject. They may think that the words "high crimes and misdemeanors" are used in the ordinary acceptation of those words, but that is not correct. A judge may be an honest man; he may be an able man; but if he appeared in the court room, arrayed in the garments of a clown, and did things that brought that court into contempt; if outside of the court he was a drunkard; if outside of the court his language was that of the barroom; and if outside of the court his conduct was such as to besmirch the court and put the administration of justice in danger, this remedy of impeachment would be the only one to remove him from office.

The Federal judiciary has been under an assault in this country. I have defended the courts and I am one who will vote for the fullest increase in their salaries.

I appeal to you not only for justice to the poor man who comes into court, but I appeal to you in the name of over 200 Federal judges to remove this man and to remove this stain that clings to them because a man of his character represents our Government.

I shall refer to but two other things. I have told you how this judge undertook to direct the chief of police and the sovereign officers of counties.

I call your attention now to the case of Webb, disbarred by him, eulogized by the judge and eulogized by his counsel before the Judiciary Committee.

The facts are that a man had been acquitted in this judge's court; he had been released and he was no longer in his custody; he was placed in the custody of State authorities, and this lawyer Webb, exercising his rights as a lawyer, applied for a writ of habeas corpus before a State court for this man's release, a man who was not even under the jurisdiction of Judge English.

In the case of Karch, an ex-United States attorney, who sought to exercise his legal rights in asking that contempt cases that took place outside of the courtroom be tried by a jury.

It irritated the judge, because he wanted all the protection of the law he could secure for his clients.

He was disbarred and the judge said he made a threatening motion as to draw a gun. Nobody saw that imaginary gun but Judge English; no attaché of the court, no newspaper man, and Karch testified he never carried a gun in his life and English knew he did not have a gun. It was an afterthought. Anger had seized him in the court room and he punished the man because he would not accept his interpretation of the law; and his interpretation of the law was wrong and has since been so decided by the Supreme Court of the United States.

I heard some special appeals yesterday. I heard a man assailed here that could not answer. I heard those things for one man, but I ask the Representatives in the American Congress, who alone can take to the bar of the Senate the conduct of a tyrant or the conduct of a corrupt judge, to take such action, so that the Senators may exercise the one remedy placed in our Constitution, to keep our courts clean and wholesome, that justice may be had by all classes of our people. [Applause.]

Mr. BOWLING. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Speaker, the gentleman who has just preceded me has referred to what the evidence was with reference to the remarks of Judge English to the chief of police of East St. Louis. I am inclined to think the gentleman has received his information from the newspapers rather than from the official record, and I shall read 12 lines without further comment. I read from near the bottom of page 103 of the committee hearings, where Mr. Dennis, the attorney for the Post-Dispatch, is examining Barry, who was the chief of police.

Mr. DENNIS. Can you give the language that the judge used when you were before him at that time?

Mr. BARRY. In a very gentlemanly manner he explained to me that a Government witness was under the protection of the court from the time he left his home until he got back.

Mr. DENNIS. What else? What was the rest of his conversation?

Mr. BARRY. I can not recall what the judge had to say. I can not repeat the conversation.

Mr. DENNIS. I wish you would tell the committee whether at that time the judge spoke to you in an angry manner or otherwise?

Mr. BARRY. No, sir; he did not speak to me in an angry manner.

Mr. DENNIS. I forget whether you said you complied with that last request of his or not, to return this property and the guns taken off of these men.

Mr. HAWES. Will the gentleman please turn, while he has the record in his hand, to the back part of the record and read the testimony of Mr. Troy, who heard the judge say, "Tell that —— —— —— —— to give those guns back to the boys." Read that into the RECORD.

Mr. HOLADAY. I am reading the evidence of the man to whom you say the remark was addressed.

Mr. MILLS. Will the gentleman yield for a question?

Mr. HOLADAY. I yield.

Mr. MILLS. I would like to ask the gentleman, who is familiar with the record, whether it is not the fact that as a result of the performance of Mr. Webb's alleged as a lawyer, he did not succeed in releasing a well-known criminal before the Chicago authorities could get there, as a result of which a bank was robbed before the man was finally apprehended?

Mr. HOLADAY. I think that is probably correct.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GRAHAM. Mr. Speaker, I understand at this point the time used by each side is about equal, and I would like to ascertain whether we can agree upon a limitation of the time of debate so as to measure out the time proportionately to those who desire to speak.

Mr. BOWLING. Mr. Speaker, my idea of the request of the gentleman from Pennsylvania is this. In view of the supreme importance of the case and of the deep interest this House is taking in the debate, as well as their evident desire for more information concerning it, and the further fact we used the session of yesterday in debate and were addressed by only four Members, I believe, and considering also the requests for time which I have on this side that would take up the rest of this day if granted, I would suggest that we do to-day what we did yesterday and let the debate run along through the day and see where we are when adjournment comes. I really believe that practically all of the debate can be closed to-day and we can then take the matter up to-morrow and limit further debate.

Mr. GRAHAM. I have no desire to press the matter. I thought perhaps if we could reach some understanding with reference to those who are desirous of speaking, we could then give notice to everybody as to when the debate would be closed.

The SPEAKER. The Chair will have to put that in the form of a request. The gentleman from Pennsylvania asks unanimous consent that until the House takes further action the debate shall be equally divided between himself and the gentleman from Alabama. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I yield one minute to the gentleman from South Carolina [Mr. McSWAIN], who has a request to make.

Mr. McSWAIN. Mr. Speaker and gentlemen of the House, I can not contribute anything to the issues of this particular controversy, but I think it is timely that we should now consider the sacredness of the judicial office and of the ideals of the judicial character, and for that reason I ask permission to extend my remarks by including three short extracts from the life and services of Sir Matthew Hale, who, 266 years ago, was appointed chief justice of the King's bench of Great Britain, as found in volume 1 of Lives of the Lord Chancellors by Lord Campbell. They are very brief extracts, one containing only 18 sentences.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, in a matter of supreme importance like this I think the RECORD should show exactly what transpired here. There should be no extension of remarks preceding the vote on the impeachment resolution. In that way the RECORD will show what actually transpired and was said before the final vote.

In order to preserve the RECORD for the future, so that students of questions of this kind can see exactly what transpired, I hope gentlemen will not ask permission to extend their remarks. Of course, they can revise their remarks. I hope the gentleman from South Carolina [Mr. McSWAIN] will withdraw his request to extend his remarks.

Mr. McSWAIN. Mr. Speaker, I desire to modify my request, in the interest of the reasoning presented, and ask permission to extend my remarks in the RECORD following the vote on the resolution.

Mr. RAMSEYER. I shall not object to that.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BOWLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ARNOLD].

Mr. ARNOLD. Mr. Speaker and gentlemen of the House, the district which I represent lies wholly within the eastern judicial district of Illinois. Before I was elected to this body I was engaged in the practice of law for something over 20 years. My practice, of course, was mostly in the State courts, and like most lawyers who practice in a town of about 5,000 people occasionally we would get into the Federal courts and into the bankruptcy courts.

I practiced in the Federal courts in that district while the Hon. Francis M. Wright, the predecessor of George W. English, was presiding judge, and after Judge English was appointed. I have practiced some in the bankruptcy courts both before and after Judge English went on the bench and under Judge Thomas as referee in bankruptcy.

When I read the report of the charges as to the condition of affairs as painted by the St. Louis Post-Dispatch in that district I was amazed—amazed for the reason that my observations and my experience in that court were so different from the reports that were broadcast by the St. Louis Post-Dispatch that I wondered if those conditions could exist and I be entirely ignorant of their existence. I determined in my own mind that I would not reach a conclusion in the matter until I knew more about it.

After this House took action at the last Congress providing for a subcommittee to go out and investigate as to facts, I determined then that I would wait until that committee had reported and then I would go through the evidence very care-

fully and reach a conclusion from the evidence submitted to us. I have gone through that evidence very carefully. I have read every word of it, and I am frank to say to you gentlemen that after having gone through this evidence as carefully as I could I am of the conviction that there was no misconduct or corruption in office that warrants impeachment charges.

Now, I was very much impressed with the words of the eloquent gentleman from Missouri [Mr. HAWES]; and I want to say to you gentlemen that I concede second place to no man in my respect for courts and in my desire that our courts be kept absolutely pure and undefiled. I believe in an honest judiciary; I believe in an incorruptible judiciary. I believe that an honest, incorruptible judiciary is essential to the security of the American people. [Applause.]

But, gentlemen, there is another element that should receive our consideration just as essential as purity, and that is the question of independence in the judiciary. I have not heard that matter mentioned in this debate. But I believe that if our judiciary realizes the fact that the House of Representatives will lend a willing ear to attacks by the newspapers or any other agency and will humiliate judges and annoy and harrass them by bringing them to the bar of impeachment on charges other than willful misconduct, amounting to official corruption, shown by substantial proof, and not left to insinuation and conjecture, courts will be unconsciously swayed from their true course of exact justice to all and their independence seriously impaired. They would be more inclined to heed popular clamor, although it might sway them somewhat from the true course of justice, if the true course would arouse the ire of interests or agencies of the press that could get the ear of the legislative branch of government and annoy and harrass them by impeachment charges. You can not eliminate the human element from judges, and we would not if we could.

Now, gentlemen, let me call your attention for a few moments particularly in answer to the gentleman from Missouri. I have a very high regard for the gentleman and his opinion, but there is an element that should be taken into consideration here, and that is the fact that a newspaper on some account—I know not what—became dissatisfied with the action and conduct of George W. English and started out in a merciless attack on him and pursued him to the portals of this body. I do not think there is anything wrong in the press of the country calling attention of the public to conditions in the country that are not what they ought to be, with a view of having those conditions remedied by the proper tribunal. I think that is a part of the duty of the public press and commendable; but, gentlemen, in this connection let me call attention to the fact that this newspaper goes far beyond that.

It has assumed the rôle of prosecutor, and all the agencies at its command have been bent in that direction. The committee that was appointed to investigate the matter went out to East St. Louis to take the testimony. The St. Louis Post-Dispatch was so greatly interested in this case as prosecutor that at its own expense it hired a former United States district attorney and paid him, I am informed, $2,500 to prosecute this case. I am informed it filed with the committee a long list of charges and accusations and furnished a corps of reporters, advisers, and investigators in an endeavor to discredit Judge English and establish the charges made. Not only that, but after this committee had reported, after the committee had taken this evidence, when it was being considered by the subcommittee and full Committee on the Judiciary, my friend from Missouri seems to take exception that the attorneys for Judge English should be permitted to go before that committee to argue the case openly before the committee and present Judge English's case. Yet the Post-Dispatch surreptitiously or otherwise presented a printed brief and argument to that committee, and no complaint on that score is made. [Applause.]

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. BURTNESS. Does the gentleman attribute improper motives to the St. Louis Post-Dispatch; and if so, what are they?

Mr. ARNOLD. Mr. Speaker, every man on this floor must draw his own conclusion as to the motives of the St. Louis Post-Dispatch. In my judgment, the St. Louis Post-Dispatch exceeded the bounds of ordinary newspaper duty when it ceased to be an informer and became a prosecutor. [Applause.] By chance I happened to get hold of that brief. I understand that it has been furnished to the members of the committee or of the subcommittee. I have read over the brief, and I here say to you gentlemen that this brief teems with inaccuracies and misrepresentations of the facts and evidence. So much for that. Therefore I do not see why the attorneys for Judge English should be censured for presenting Judge English's side of this case before the committee.

I understand that that committee went out as a fact-finding committee, and if they did go out as a fact-finding committee, it was their duty to get evidence from whatever sources they could get it that would throw any information or light on the situation. I shall not say anything in this connection about the failure to call Judge Thomas before that committee but shall say a little more in connection with the statement of the gentleman from Missouri [Mr. HAWES] as to the breakdown of law in that section, and what I state is taken from the record. During Judge English's time on the bench he has had 3,337 criminal cases before him. Judgment has been rendered in 2,287 of them. In all those cases there have been but 125 acquittals. One thousand and fifty cases were nolled by the district attorney, and the defendants were convicted in 2,162 cases. I wonder if it is the men in that category who are after Judge English in this case? I call further attention to the fact that there were 254 freight-stealing cases tried before Judge English, and that of the 254 cases of that kind tried there were convictions in 240 cases and acquittals in 14. It seems to me from that record that the law has been pretty well administered and taken care of in that district, and I believe gentlemen will agree with me that there are times when it takes a man of "nerve" on the bench to protect life and preserve property.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. ARNOLD. Yes.

Mr. MOORE of Virginia. I have been a little disappointed that the record contains such meager evidence on the question of character, which I think is very important in a case of this sort. I shall ask a question which perhaps the gentleman may not wish to answer. Suppose this matter is transferred to the Senate and the gentleman is subpœnaed as a witness and questioned as to the general reputation of Judge English during his knowledge of him as a citizen and a judge, and the general reputation of Mr. Thomas as a lawyer and a citizen in the estimation of the people who have known him and who have had transactions with him, what would the gentleman say?

Mr. ARNOLD. In answer to the gentleman I shall say that I answered the question in the beginning of my remarks as to Judge English when I said that the reports that came to me in the newspapers were so at variance with what my experience and observations were when I was before the court that I was amazed that a report of that kind should be broadcast. Judge English is a man of determination and excellent character. I have never heard the motives of Judge English questioned in all of the time that he has been presiding on the bench until the time of these charges. The record does not show where he has been unduly influenced from any source. In further answer to my friend from Virginia, I believe the gentleman will agree with me that if Judge English was the vile creature he is painted here, complaint would have been made by the bar associations of that section of the country, and the reputable lawyers of that section of the country would have appeared before that subcommittee, revealed the conditions if they were bad, and asked that action be taken to put him off the bench. [Applause.]

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. NEWTON of Minnesota. I concede that that would be material, but it also seems to me rather interesting why the bar association has not been here appearing on behalf of his character if it is as the gentleman would have us believe it. They do not seem to be appearing in the case on either side.

Mr. ARNOLD. If the bar associations take the view that I take—and I am a member of my local bar association and a member of the State bar association, then they will conclude that nothing is shown here in this record that would necessitate any outside defense of Judge English. [Applause.] It is very easy to take a mass of testimony of something over a thousand pages, go through it and pick out isolated sections of it, and place an interpretation on it that leads to an entirely different conclusion than if the entire evidence is considered, and we should consider the whole of the evidence.

Mr. RAGON. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. RAGON. There is a part of the question of the gentleman from Virginia [Mr. MOORE] that the gentleman has not answered. What has the gentleman to say in reference to the reputation as he knows it of this man Thomas for honesty and integrity?

Mr. ARNOLD. I have known Judge Thomas since he has been a referee in bankruptcy. I have never heard his honor or his character questioned or his judicial acts assailed until

this haze of insinuations was brought about in this connection. I have looked through this record carefully to see whether or not there is any justification for that. Judge Thomas has been referee since Judge English was appointed. Gentlemen know that a referee's office is directly under the Department of Justice and examined by agents of the Department of Justice. That office was gone into very carefully by Mr. Mountjoy, an examiner under the Department of Justice, on the 19th of August, 1924. That is just a short time before this matter arose. On page 682 of the record there is a letter from Rush L. Holland, Assistant Attorney General, to Judge English. The objections made there are merely the formal objections that are usually found by examiners as in cases of national-bank examiners. After they go through the bank they go back and make a few suggestions and send them out for the board of directors to go over. There is nothing wrong shown by that letter of Judge Holland to Judge English, in which he calls attention to conditions in the referee's office. Merely some suggestions. In the report from Mr. Mountjoy to the Department of Justice touching the conduct of the referee's office, at page 684 of the record, is to be found the following:

All the work is done that can be done as soon as the papers come to him. Meetings are held promptly. Adjudications are made and notices sent out at once. Sometimes county trustees delay the work for a while. He has efficient clerks, who send out notices promptly. Trustees' accounts are checked up through Mr. Oscar Hooker, the chief clerk, who is a practical accountant. Dividends are declared promptly, and final meetings are always held in all cases and upon proper notice.

Now let me call attention further; on page 687 you will find what is said about Mr. Hooker, chief clerk of the referee's office, and other commendatory remarks. I will not take time to read it, but simply call it to your attention. Now then, as to what the agents of the Department of Justice think about Judge Thomas. On page 688 it says:

Judge Thomas is universally allowed to be a man of ability, and since he has been referee he has not practiced as attorney and counselor at law in bankruptcy proceedings. He has not purchased, directly or indirectly, any property of an estate in bankruptcy, nor was he guilty of any other acts of impropriety or any violation of law in connection with the discharge of his official duties; nor, as far as I know, is there any evidence of collusion among referee, trustees, and attorneys. He has published two pamphlets for attorneys and trustees in bankruptcy, and these pamphlets seem to have real merit.

If that is the judgment of the officials of Government after having thoroughly examined his office in detail, it ought to satisfy the House.

Mr. DOMINICK. Will the gentleman yield?

Mr. ARNOLD. I will.

Mr. DOMINICK. In connection with the report which has been read in which the examiner said that he had not appeared in bankruptcy court, is it not a fact that the record in this case shows, and it is uncontradicted, that Judge Thomas was appointed or at least did appear as an attorney in a bankruptcy case before Judge Anderson in Indianapolis? Is it not a fact?

Mr. ARNOLD. It is not a fact. Here is the situation. It is true in part only, and I will explain the matter if the gentleman will permit.

Mr. DOMINICK. I will be glad for the gentleman to state wherein my statement of the record is incorrect.

Mr. ARNOLD. All right. This was not a bankruptcy proceeding to which the gentleman refers. It was a proceeding before Judge Anderson in Indianapolis, Ind., entirely out of the jurisdiction of Illinois. An ancillary proceeding for the purpose of enjoining certain parties from disposing of assets pending an involuntary petition in bankruptcy. Understand, there had been no adjudication in bankruptcy in this case, and an ancillary proceeding was pending to restrain the waste of assets. A restraining order had been issued, and the question was on modification of the restraining order. Judge Thomas was employed, went to Indianapolis, and assisted in resisting modification of the order. Now, then, let me state further than that. Judge English—it has been charged here that Judge Thomas used undue influence and authority over the court, and I know what is in the minds of some gentlemen. They are going to jump at the conclusion without any justification, in my judgment, that Thomas was employed in this case for the purpose of getting some undue advantage through his supposed relations with Judge English, who had been called down to Indianapolis by Judge Anderson to hear that particular question.

Mr. GRAHAM. Will the gentleman yield?

Mr. ARNOLD. In a moment. A great many lawyers were engaged. Let me call your attention to this fact that after the matter was argued and gone through with there was only about 10 per cent of the original restraining order permitted to stand, so if Judge Thomas had the influence over English it is claimed it would have been all sustained. That very fact shows that Judge Thomas did not exercise any undue influence over Judge English any more than any other lawyer.

Mr. GRAHAM. Will the gentleman yield?

Mr. ARNOLD. I will.

Mr. GRAHAM. The gentleman stated this was in another State. Does the gentleman mean that makes any difference in regard to the right to practice in bankruptcy by a referee——

Mr. ARNOLD. Strictly speaking I expect not, but I imagine this further, that there would not be a lawyer or a referee who would ever think about an infraction of the law by going over to a foreign State to help a client in a restraining order in a case where no adjudication in bankruptcy had been made.

Mr. GRAHAM. Will the gentleman permit one more question?

Mr. ARNOLD. Yes, sir.

Mr. GRAHAM. Does not the gentleman think it would have some bearing in his judgment to read that part of the evidence that shows that Judge Anderson when he returned and took charge of that case, he decided the order, when he very severely reprimanded Mr. Thomas and ordered him out of the case, which was a bankruptcy case?

Mr. ARNOLD. In answer to that I will say that I do not care to make any comments as to Judge Anderson's statements.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield there?

Mr. ARNOLD. Yes.

Mr. NEWTON of Minnesota. The gentleman mentioned the fact that this Indianapolis proceeding was ancillary.

Mr. ARNOLD. Yes.

Mr. NEWTON of Minnesota. Was the main action a bankruptcy proceeding originating in Illinois?

Mr. ARNOLD. No. It originated in Indiana—the bankruptcy case.

Mr. WEAVER. Mr. Speaker, will the gentleman yield there?

Mr. ARNOLD. Yes.

Mr. WEAVER. I call the gentleman's attention to the fact that there was pending an involuntary proceeding in bankruptcy. The proceeding had not been determined, so that it was not a bankruptcy proceeding.

Mr. ARNOLD. I thank the gentleman. Well, I must hasten along.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield there?

Mr. ARNOLD. Yes.

Mr. VINSON of Kentucky. I wish to ask the gentleman a question with respect to the influence that Judge Thomas was supposed to wield over Judge English. Could the gentleman tell us of other cases in which he appeared as counsel for litigants?

Mr. ARNOLD. During all the time that Judge English was on the bench he, Thomas, had in English's court 36 cases. In those 36 cases 33 were convictions, and the usual and ordinary sentences were imposed in the case of other convictions in those cases. Of those 36 cases there were 25 pleas of guilty and there were 8 jury trials, and of the 8 jury trials there were 2 acquittals.

Now, gentlemen, you may take the record—and it is here before you—and you will find out that by comparison of the sentences imposed in the cases that Judge Thomas was in and in the cases that he was not in the sentences were just as severe in the Thomas cases as in the other cases.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield there?

Mr. ARNOLD. Yes.

Mr. SIMMONS. Does that apply to the cases where they pleaded guilty?

Mr. ARNOLD. Yes. The record will show it.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. BURTNESS. The gentleman lives in Illinois and perhaps can tell us of the attitude of other attorneys there. Can you tell us from your personal knowledge of the attitude of the bar in Illinois in reference to Judge English's ability and fitness? What do they think about it?

Mr. ARNOLD. I have not heard any lawyer express himself as saying that he thought English was guilty from what he individually knew about it. They did not know what this evidence would show, and they were in the same attitude I was, that if Judge English were corrupt he should be impeached, and I will vote to impeach him just as quickly as I would vote to impeach any other man. [Applause.] The lawyers out there, so far as I know, would require proof that he is corrupt before they would condemn him.

Now, gentlemen, let me call your attention particularly to article 2 in the articles of impeachment. In article 2 they set forth that Judge English, for the purpose of building up a bankruptcy ring and for the purpose of placing Thomas in a position where he could exploit litigants in his court for the benefit of Thomas and English and Thomas's friends and English's friends and relatives, changed the rules of court that were then in effect in that district as to the authority of the referee in bankruptcy. Let me call your attention to the fact—and you will find the two rules of court, the old and the new, set out on page 3 in the statement of facts of the majority report—if you will examine that report, you will find there is only this difference: Judge English in the order substituted provided that all matters of application for receivership in bankruptcy cases be referred generally to the referee; in other words, he made a standing order authorizing the referee in bankruptcy to appoint receivers when it was necessary for the preservation of the estate.

Under the order as it was, when a petition for the appointment of a receiver in bankruptcy was presented to the court the court had the right and authority—and usually did, if not always—simply refer the matter to the referee pro forma. Now they say, because this order was made that would apply in all cases, without a special order in each case, Judge English intended thereby to prefer Judge Thomas and make possible the building up of a bankruptcy ring.

Ah, gentlemen, let me call your attention to this fact—let us see what the bankruptcy law says.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield for a moment?

Mr. ARNOLD. I prefer not to yield, but I will yield.

Mr. GRAHAM. Do I understand you to say that this is the only change wrought by the rule?

Mr. ARNOLD. That is not the only change wrought by the rule, but I propose to show here before I get through that the bankruptcy law does confer upon the referee all the authority that Judge English gave him in the order complained about. This is the fact of the matter.

Mr. GRAHAM. Did the bankruptcy law confer on the court the power to say to Judge Thomas that he could establish a very large office and office force, and if in a particular case, if there was not money enough to pay the costs, they could assess those costs on all the other bankruptcy cases that came within his jurisdiction? Is that the authority of law of the United States?

Mr. ARNOLD. If I had time I could show that all the authority that is vested in courts of bankruptcy with three exceptions is vested by the law in referees in bankruptcy, and that those three are these: A referee has not the right to adjudicate a petition; a referee has not the right to confirm a composition; a referee has not the right to grant discharges. And outside of those three things the referee may do whatever a court of bankruptcy may do. Let me prove it to you. I do not find the reference in my notes, but I can find it for you in the bankruptcy act. Let us go to section 38 of the bankruptcy act, covering jurisdiction of referees. Now, gentlemen, this is an important part in this connection, for this reason: The majority of the committee here has made the charge that as a basis for a bankruptcy ring Judge English substituted one order for another and thereby Thomas and his confederates were permitted to profit unduly. Upon that foundation is their superstructure of all the alleged wrongdoing and the charges that they hurl against Judge English colluding with Thomas in bankruptcy matters in article 2.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. AYRES. Quite a few of us here would like to hear what the gentleman says particularly at this point, but there is so much buzzing going on all around that we can not hear it.

Mr. ARNOLD. It is my position and contention, gentlemen, that if the foundation crumbles away in this charge in the second article of impeachment, then there is nothing upon which to base their additional charges in the second article of impeachment; and I will go further and say this, that if the committee that formulated these articles of impeachment, in their judgment of the law and the conditions and the facts in the case, were so fallible as to erect a superstructure that must topple over by reason of the crumbling of the foundation, then we have the right to assume that their judgment is equally as fallible in other articles of impeachment assigned and to call upon them to bring strict proof before the House to establish the merits of the charges.

The gentleman from Missouri made the plea that we vote to sustain the committee. I am willing to sustain the committee when it is right, but I do not intend that any committee or any man shall do my thinking for me or reach my conclusions. [Applause.]

I am going to show you, gentlemen, that the law is just as broad as the order which Judge English made, and that Thomas had the authority complained of without the order of Judge English. I will refer to the jurisdiction of referees in the bankruptcy act, section 38. They are empowered to—

(4) Perform such part of the duties, except as to questions arising out of the applications of bankrupts for compositions or discharges, as are by this act conferred on courts of bankruptcy and as shall be prescribed by rules or orders of the courts of bankruptcy of their respective districts.

Now, then, that gives the referees as much authority as courts of bankruptcy have. Let us go back and see what authority courts of bankruptcy have. Among others, section 2, to—

(3) Appoint receivers or marshals upon application of parties in interest; in case the court shall find it absolutely necessary for the preservation of the estate to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified.

Further notice:

(5) Authorize the business of bankrupts to be conducted for limited periods by receivers, marshals, or trustees, if necessary, in the best interest of the estates, and allow such officers additional compensation for such services as provided in section 48 of this act.

Now, gentlemen, by that you will see that a referee has as much authority, except in the three instances I have mentioned, as a court of bankruptcy itself, and the power to lawfully do the things Thomas did under the English order by courts of bankruptcy is not questioned.

Now, let us turn to section 22 of the bankruptcy act:

After a person has been adjudged a bankrupt the judge may cause the trustee to proceed with the administration of the estate or refer it generally to the referee or specially with only limited authority to act in the premises or to consider and report upon specified issues.

There is the authority of the court to refer a case to the referee either generally or specially, and because Judge English entered an order referring this case to the referee in his court generally you say it was done for the purpose of committing wrongs and permitting wrongs to be committed in the referee's court.

Now, gentlemen, let me say this to you: If the authority that Judge English conferred upon Thomas by that order was no greater than the authority that Thomas had under the general law, then there is no foundation for the specifications in article 2, and this House should ignore them. I further submit that if the judgment of the committee was so fallible on that proposition, we may assume that the judgment of the committee may likewise be fallible on other specifications.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. NEWTON of Minnesota. Does the gentleman know whether the practice that was followed by Judge English and the referee prevails in any other jurisdiction in the United States?

Mr. ARNOLD. I will say to the gentleman that it does.

Mr. NEWTON of Minnesota. Can the gentleman state where it does prevail?

Mr. ARNOLD. No; I can not say where it does prevail.

Mr. NEWTON of Minnesota. It was rather novel to me, and that is the reason I asked the question.

Mr. ARNOLD. But how does custom enter into this when we have positive law? That is the thing I can not understand. [Applause.]

Mr. NEWTON of Minnesota. To this extent: It does seem to me there is still a question as to the right of the judge to authorize a referee to maintain that expense and to carry on that sort of a general establishment and to charge it up to the various estates, and the question of custom would enter into it as to whether it is a proper interpretation of the law.

Mr. ARNOLD. Now, gentlemen, I must hasten along; but let me call your attention a little further to this proposition in connection with this matter. You will observe that the referee has all the authority that courts of bankruptcy may have, and in addition to that such authority as may be conferred upon courts of bankruptcy by orders of bankruptcy. Let me call your attention to General Order 35 of the Supreme Court of the United States:

The compensation of referees prescribed by the act shall be in full compensation for all services performed by them under the act or under these general orders, but shall not include expenses necessarily

incurred by them in publishing or mailing notices, in traveling, or in perpetuating testimony or other expenses necessarily incurred in the performance of their duties under the act and allowed by special order of the judge.

In any case in which the fees of the clerk, referee, and trustee are not required by the act to be paid by a debtor before filing his petition to be adjudged a bankrupt, the judge, at any time during the pendency of the proceeding in bankruptcy, may order those fees to be paid out of the estate.

There you have it, and the authority vested in Thomas by Judge English was not any broader than Thomas had under the law.

Mr. NEWTON of Minnesota. Will the gentleman yield further?

Mr. ARNOLD. Yes.

Mr. NEWTON of Minnesota. The expression there is "the estate." It does not put all of the estate into one lump fund and then take money from one estate to meet the deficiency in another.

Mr. ARNOLD. It is the universal practice in courts of bankruptcy to make a certain overhead charge for expenses, office rent where it is necessary, clerk hire, stationery, notices, and things of that kind, and apportion that expense among the estates fairly and equitably. That has been recognized in the general practice of our bankruptcy courts since they were instituted.

Now, gentlemen, I would like to discuss that matter a little longer with you, but I want to take some time in discussing the proposition laid out in article 4 of the articles of impeachment. It is charged that Judge English designated certain banks in which he was interested as depositories for bankruptcy funds. Take the case of the Coulterville bank, the first-mentioned in that article. That bank was designated as a depository on June 14, 1918. Judge English became the owner of 21 shares out of a possible 250. The report of the examiners, both the Mountjoy report and the Zimmerman report, which were made about the time Thomas resigned, show that the deposits in this bank were no greater proportionately than the deposits in any other bank, taking into consideration the capital and surplus.

I want to call your attention further to this fact, that every bank that was designated as a depository gave a good and sufficient bond, and no estate and no man ever lost a dollar through the making of any of these deposits in the designated depositories. But it is claimed that because Judge English had twenty-one two-hundred-and-fiftieths of the stock of this bank and designated it as a depository he should be impeached. Gentlemen, you will not find any place in this record where Judge English profited unduly by designating this bank as a depository.

Now, what is the situation as to the Merchants State Bank of Centralia?

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. NELSON of Wisconsin. By depositing bankruptcy funds in this bank, was there any loss to the bankruptcy funds in any way?

Mr. ARNOLD. None in this bank or in any other bank.

Mr. NELSON of Wisconsin. Was there anything unusual about it except that he was a stockholder in the bank?

Mr. ARNOLD. Absolutely nothing unusual, and that is the only charge they make here. I believe probably somebody in the bank was related to him in some way or related to Thomas; I do not know just how it was.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ARNOLD. I yield.

Mr. LAGUARDIA. My understanding is there was no interest paid to the bankruptcy estates.

Mr. REID of Illinois. They do not pay such interest.

Mr. ARNOLD. That is not paid anywhere.

Mr. LAGUARDIA. But the interest was paid to English's son.

Mr. ARNOLD. I will come to that later. I will show what the situation was there if I can only get enough time to get to it.

Now, the second assignment is with respect to the $100,000 in the Merchants State Bank of Centralia. Gentlemen, let me call your attention to the fact that this $100,000 consisted of funds from the case known as the Southern Traction case and was not a bankruptcy case. That was a receivership case. There was a foreclosure of a mortgage. The property was sold and a great amount of money had been realized from the sale of the property. A certain portion of that money was to be deposited in the Belleville bank and in the Centralia bank, and inasmuch as it was not to be used in the closing of the estate for some time on account of prolonged litigation, the court ordered that those funds should be invested in Liberty bonds, and they were invested in Liberty bonds and the interest on the Liberty bonds was accounted for by the master in chancery in those cases to the estate; and yet it is said that because he ordered that $100,000 be deposited in the Centralia bank, in which he had some minor interest—he had 12 shares out of 1,000, which would be 1.2 per cent. It is argued that because he had 1.2 per cent of the stock of the Centralia bank and ordered this $100,000 placed there and invested in Liberty bonds, he has committed an impeachable offense, because he had some slight interest in the bank.

Mr. BLACK of Texas. Will the gentleman permit an interruption there?

Mr. ARNOLD. Yes.

Mr. BLACK of Texas. I also understand from the record that those bonds were purchased at about 80 cents on the dollar and, of course, subsequently advanced to par, and the estate got the benefit.

Mr. ARNOLD. Yes; the estate reaped the benefit of that.

Mr. BARKLEY. Will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. BARKLEY. Is it not also true that those funds when they were deposited in these banks and remained as deposits drew no interest in behalf of the bankruptcy estate?

Mr. ARNOLD. That is true.

Mr. BARKLEY. And by investing them in Liberty bonds that enabled the estate to collect interest which they would not have collected otherwise?

Mr. ARNOLD. Yes; but this case involving the $100,000 was a receivership case and not a bankruptcy case.

I want to call your attention to the fact that in all the banks that were designated as depositories and in which bankruptcy money was placed no interest was paid to the estate and it is not customary throughout the country for a bank to pay interest on bankruptcy funds. I think this disposes of that proposition.

Mr. RAGON. I would like the gentleman to yield for a question right there if he will.

Mr. ARNOLD. All right.

Mr. RAGON. As I understand it, Judge Thomas and Judge English both live in East St. Louis?

Mr. ARNOLD. They do now.

Mr. RAGON. One of the gentlemen charged here yesterday that approximately $40,000 had been borrowed by these two men from this bank, which had a capital of only $100,000. That is a rather amazing loan. If the gentleman can contribute anything toward clearing that up, if that is the fact, I would like to hear it.

Mr. ARNOLD. Judge English borrowed $10,000 from the Centralia bank with which to buy a home in East St. Louis. The money was used for that purpose. Judge English's wife signed the note at the Centralia bank along with Judge English. The title to the property was in Judge English's wife's name. There was some other money borrowed by Judge English from the Centralia bank, amounting in all to something like $17,000. But let me call your attention further to the fact that in addition to the personal security of Judge English and his wife, they required Judge English to take out an insurance policy, so that the face of that policy payable at death would be for the use of the bank in liquidating this indebtedness. That is the situation with respect to that matter.

As to the amount of money he had borrowed from that bank, that is a matter between the bank and Judge English. What right have we to question the bank in extending credit to Judge English?

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. BOWLING. Mr. Speaker, I yield the gentleman from Illinois 30 minutes additional. [Applause.]

Mr. RAGON. I grant you that is entirely personal as between Judge English and the bank, but I want to know why it is a man would go from East St. Louis to Centralia to negotiate such a loan. Did he formerly live at Centralia?

Mr. ARNOLD. Judge English was raised in Hamilton County. He practiced law down there. He went to the legislature from that part of the country. Along about 1911 or 1912 he moved to Centralia. He became interested in this bank and bought some stock in the bank.

Mr. RAGON. That was before he was judge?

Mr. ARNOLD. That was before he was judge. Then when he was appointed tax attorney in the Internal Revenue Bureau he sold that stock and came to Washington. Now, under-

stand, he was living in Centralia and connected with that bank before he came to Washington as tax attorney. After he went back he repurchased that 12 shares of stock. They were all his friends. He was on the board of directors there for a time.

They knew his honor and his integrity; they knew that he was a Federal judge; they knew what his salary was; they knew that he would hold that position during life or good behavior; and I submit to you, gentlemen, that it was good credit risk to loan that amount of money with the collateral that was put up with it.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. NEWTON of Minnesota. Is the gentleman sure about the life-insurance policy being put up as security? I had an impression that it was made payable to the widow.

Mr. ARNOLD. It was put up as security for this note.

Mr. NEWTON of Minnesota. It seems to be that that is rather important.

Mr. ARNOLD. At any rate, the bank officials testified that they had the insurance policy as security for the loan, but in what form it was put up I do not know.

Mr. BROWNING. Will the gentleman state whether that loan was ever paid?

Mr. ARNOLD. Not long ago the home was sold in St. Louis, and the money he obtained from the sale went to the Bank of Centralia and paid that indebtedness. He had a little bank stock, and he sold that and got the money and paid off the rest of his indebtedness, and to-day Judge English stands as a man without a dollar's worth of property and without a roof to cover his head. Talk about corruption! And yet they insist that he ought to be impeached because he did his duty as he saw it. [Applause.]

Mr. CRISP. Will the gentleman yield?

Mr. ARNOLD. Certainly.

Mr. CRISP. The gentleman from Illinois is very familiar with the record, and I have not had a chance to read it, although I have read some of it. I would like for him to tell the House if there is any evidence that brings knowledge home of Judge English that his son was receiving 3 per cent interest on bankruptcy deposits of this bank.

Mr. RAGON. Before the gentleman gets to that there is another question I desire to propound in connection with this matter he has been discussing. The gentleman has made a good explanation of Judge English's action as to the loan from the bank of Centralia. How was it that Mr. Thomas was able to negotiate all these loans up there?

Mr. ARNOLD. These fellows were all from southern Illinois, Hamilton County; they were friends and some migrated up as far as Centralia. They had business connections together and some went up as far as East St. Louis. They knew each other from boyhood days. Men do business with men that they know generally, not with men they do not know.

Mr. BOWLING. Will the gentleman yield?

Mr. ARNOLD. I will.

Mr. BOWLING. The record shows that Thomas put up collateral for every cent he borrowed, and, in addition, if the bank loaned Thomas money without any investigation or knowledge on the part of English, how can English be called upon to answer for what the bank did with Thomas?

Mr. ARNOLD. That was Thomas's personal matter; and if he borrowed and put up collateral to satisfy the banks, why should Judge English be held responsible for the relation between Thomas and the bank?

Mr. RAGON. I am propounding these questions for information. An intimate relation is charged here between the two men, and, if I understand it, both of them lived in East St. Louis. I can understand why they secured a loan in East St. Louis; but if Thomas lived in East St. Louis, why did he not go to a bank in East St. Louis instead of going to Centralia? Did he ever live in Centralia; did he have any business connections there?

Mr. ARNOLD. I do not think he lived there, but these people up there were his friends. He had had business relations with them, and that is the reason he would go to Centralia to get credit by putting up collateral.

It is charged here in this record that it was a great crime for Judge English to borrow money at 5 per cent, and therefore he ought to be impeached because he did borrow money at 5 per cent of a bank that he had a little stock in, and a bank that had been designated a depository and had on deposit some bankruptcy funds. Let me call your attention to the fact that 5 per cent is the legal rate of interest in Illinois. Why magnify the fact that there is something crooked because a man borrowed money at a legal rate of interest? Of course, it may be 6 per cent or it may be 7 per cent by express contract, but there is nothing wrong in a bank loaning to an old friend of theirs where the security was absolutely ample; there was no crime in borrowing money at 5 per cent.

Mr. BOWLING. If the gentleman will yield, in connection with the loan of the bank to Thomas, on page 856 of No. 2 of the hearings, I would like to read the testimony of Mr. Veach:

> Mr. VEACH. After Doctor Richardson became president of the Merchants State Bank, in their discussion between them, Doctor Richardson disclosed the fact to George W. English that C. B. Thomas owed the Merchants State Bank directly, and as we considered it, indirectly, $20,000. Judge English blew up when he found that. It made him sore. He said, "The loan is not safe, and you ought not to make it, and he must pay it. If he does not, I will sell my stock and cancel it as depository and get out of the bank."

As a result he was pressed by the bank and paid it.

Mr. NELSON of Wisconsin. What time did that happen?

Mr. ARNOLD. That happened before the impeachment proceedings; I do not know just when. When Judge English found out that the bank had extended credit to Thomas to that extent, he objected to it, and as a result of that the bank called Thomas's loan.

Mr. HOLADAY. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. HOLADAY. The question was asked about Judge Thomas borrowing this money at the bank. Previous to his appointment as referee he was county judge, and lived in one of those towns down there. I do not know whether it was the county in which this town is located or not.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. Yes.

Mr. AYRES. We are not so much interested in what Judge Thomas did. We would like to have the gentleman answer the question in respect to Judge English.

Mr. ARNOLD. It is charged here that Judge English corruptly arranged with the Union Trust Co. of East St. Louis, whereby the bank was to employ his son in some capacity in the bank and pay to his son 3 per cent interest on bankruptcy deposits. I say that any man who reads the evidence with an open and clear mind must reach the conclusion that the evidence does not sustain the charge. What are the facts? We have a man named Ackerman, a man who had known Judge English for quite a while. He was walking down the street with Judge English one day. Judge English's boy was out of a job. Judge English asked Ackerman if he knew where his boy might get connection in a bank. He told him that the boy had been in the Riggs National Bank in Washington for some time and that after that he had gone to the University of Illinois and had taken a special course in commerce and banking; that he had some other experience as a banker and he would like to see his boy get a place where he could develop into a banker. After walking down the street a little while Ackerman and Judge English parted and Judge English said to Ackerman, "Come down to my chambers some time and we will talk it over." He went down there and they did talk it over. What was the result? I have it here on pages 591 and 592 of the record. I shall not take the time to read it to you, but will direct your attention to it without reading it. You will find there that Judge English told Ackerman that he was anxious that his boy should get connected up in some way with a bank. Ackerman proposed to the judge that he increase the bankruptcy deposit in the bank of the Union Trust Co. Who was Ackerman? Ackerman was a solicitor for the Union Trust Co. He was not a bank official, but was a solicitor of new accounts and a bond salesman. The thing that was uppermost in Ackerman's mind, of course, was to get additional deposits for the Union Trust Co.

At this time and for a long time prior thereto the Union Trust Co. had been designated as a depository and at that time had funds of the bankruptcy court in its possession and had had quite a large amount for some time. Judge English said what was the natural thing to say, that he expected there would be an increase in the bankruptcy deposits because he was considering having but one depository in East St. Louis. He said that the bank was manned by capable officials, had a good capital and surplus, and naturally, Mr. Speaker, if there should be but one depository, the bankruptcy funds would increase. Let me tell you why he was going to have but one depository. The Drovers National Bank, which was the other depository, was in failing circumstances. It had been noised about East St. Louis for a year or more that the bank was in danger of insolvency. Judge English knew it, and perhaps knew that it would be only a question of time until that bank would no longer be a depository. Within three months after Judge English had this conversation with Ackerman in his office that bank did go. It was taken over by the Comptroller General and it never has opened its doors since that time. The bank-

ruptcy funds did begin to climb in the Union Trust Co., and why should they not begin to climb? There was but one depository then. The evidence in this record is uncontradicted that there was not a transfer from the Drovers National Bank to the Union Trust Co. after that except one. That is the uncontradicted evidence, and the increase in the deposits there was due to the fact that the moneys of the new estates, as they would come in, were deposited in the Union Trust Co.

Mr. DOMINICK. Mr. Speaker, will the gentleman yield?

Mr. ARNOLD. I shall be glad to answer any question the gentleman has to ask after I get through. Ackerman took the matter up with the bank as to the employment of Farris English. Judge English specifically told Ackerman that he must understand that this boy, if he went into that bank, was not going with the understanding that the bankruptcy funds would be increased, and that evidence is uncontradicted. Ackerman took the matter up with the bank officials. The bank officials thought the matter over and decided that they would employ Farris English and told Ackerman to tell the boy to come down and they would talk it over with him. He went down and they talked the matter over and he was employed by Mr. Schlafly, an official of the bank, at a salary of $150 a month, with the understanding that his salary should be increased a little later on. Farris English thought that his knowledge and experience in the banking business was such that he should demand more money than that. He did not like the idea of being put on a book job. He wanted an official job in the running of the bank. Farris English went in there and for a period of 14 months after he went into that bank not a penny was paid on bankruptcy deposits. The time finally came when Farris English thought that he ought to have more money. He was raised to $200 a month, and still was dissatisfied. He wanted more money and insisted that they pay him more money, but the hands of the bank were tied. They could not pay him more money, because to do so would be to prefer him over some other employees and that would disorganize the office force.

He became very insistent when they told him they could not pay any more money. Finally he told them that he could not possibly live on the salary he was getting, and he would have to get out and get some more money. Now I am not justifying what Farris English did in this matter or what the bank did, but there were some extenuating circumstances as far as the boy was concerned. He was married, he had a wife, he had one child. Another child was born or about to be born, and his expenses were very heavy; a great amount of sickness in his family. He could not possibly meet his bills on the salary he was getting. He thought he ought to receive more money and could earn more money outside of the bank, and the bank officials then got together and talked among themselves and arrived at a decision to pay Farris English 3 per cent interest on bankruptcy funds with the understanding that Farris English was to be transferred to bond salesman and as solicitor for new accounts. Now I want to call attention to this fact, gentlemen. They say to you that there was corruption on the part of Judge English, that he had in mind collecting interest on bankruptcy funds when he made an effort to get his boy into that bank. If that were true, would Judge English have permitted that condition to run along for 14 months after the boy began employment in the Union Trust Co. and not a penny paid on bankruptcy deposits during that time? Payment of interest would have begun when Farris began to work if it was prearranged. It absolutely controverts the finely wrought out scheme to convict this man on suspicion and conjecture.

Mr. SINNOTT. Will the gentleman yield?

Mr. BLACK of New York also rose.

Mr. ARNOLD. In a moment. Now let me supplement this further. The first check Farris English got on bankrupt deposits, 3 per cent, began on the 1st of April, 1924, and while he remained in the employ of the bank, in addition to getting his $200 a month salary, he got 3 per cent interest on the bankruptcy fund as long as he stayed there, which was until the 31st day of December, 1924, when he resigned, and after that time no interest was paid on bankruptcy funds. He stepped down and out, severed his relations, and that was the end of it and the end of interest on the funds. Now I call attention to this fact:

The committee has sought in every way possible—and I think they were justified in doing it—to show in some way that Judge English had knowledge of this fact. The record in this case, gentlemen—and I say it on my reputation as a lawyer and a Member of this House—the evidence in this case absolutely shows that Judge English knew nothing about that arrangement until after the boy had quit his employment, some two or three weeks after that. The matter came up in some way and the boy told his father about it, and his father asked him what he did that for. And the boy said he did it because he needed the money. The boy said he concealed the matter from his father because he knew if his father knew it he would stop it at once. That is the record in the case. Every bank official examined on that proposition tell you in their testimony that Judge English knew nothing about the arrangement as far as they knew. That is the fact about it. Judge English says he knew nothing about it until his son came and told him about it, and his son further testifies that he did not tell Judge Thomas about it, and the officials of the bank testified—you will find it in the record—that they went to Judge Thomas before that in an effort to build up the deposits of the bank and offered to pay Judge Thomas 3 per cent interest on bankruptcy funds, and Judge Thomas told them that he did not accept interest on bankruptcy funds; that is was not right, and he refused it.

Mr. LAGUARDIA. He suggested a job as counsel?

Mr. ARNOLD. Suppose he did. Is it a crime to try to get a job? I have been in that position myself. What is wrong if his employment by the bank would not interfere with his business? Why should not he take it?

Mr. KINCHELOE. Will the gentleman yield?

Mr. ARNOLD. I will.

Mr. KINCHELOE. How much did this boy supplement his salary by reason of drawing 3 per cent interest on these deposits?

Mr. ARNOLD. Around $300 a month.

Mr. CRISP. How many months?

Mr. ARNOLD. Nine months, amounting to $2,700, all told.

Mr. CRISP. The record I read confirms exactly what the gentleman has said. Did any witness testify in this record that Judge English had knowledge of his son receiving interest on these bankruptcy funds?

Mr. ARNOLD. Absolutely no witnesses testified to that fact. On the contrary, they testified he did not know it. You have positive evidence he did not know it; and now, because a man in the beginning attempted to show a little fatherly interest in his son by assisting him in getting a position, it is sought to crucify him on the cross of impeachment. It is sought to brand him in infamy and write against his record a stain that can never be effaced.

Mr. BLACK of New York. Will the gentleman yield?

Mr. ARNOLD. I will.

Mr. BLACK of New York. Some of you gentlemen have made such a gallant defense of Judge English that I am beginning to doubt I am with the committee.

Mr. ARNOLD. I never have been, I will say to the gentleman.

Mr. BLACK of New York. And anyway there is nothing to me very exciting about any of these charges except the judge's connection with Thomas. Would the gentleman be willing to suspend judgment on this case until the Committee on the Judiciary can examine Thomas and get his evidence?

Mr. ARNOLD. There is no question but that the committee ought to have called Judge Thomas in this case to give what light he could to clear up any suspicious circumstances that might linger there; and if Judge English is guilty of fraud and corruption and guilty of misconduct in office of an impeachable nature, he ought not to stain the judicial ermine by continuance on the bench. From the evidence on which the committee asks us to vote impeachment charges I must vote against it. It is the dictate of my best judgment.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield there?

Mr. ARNOLD. Yes.

Mr. KINCHELOE. Can the gentleman tell us whether there is any reason why he was not called?

Mr. ARNOLD. Some members of the committee suggested that he be called, and others objected, and as the result Thomas was not called.

Mr. CONNALLY of Texas. He sat in the committee?

Mr. ARNOLD. Yes; he sat in the committee all the time, nearly, and the committee not only did not call him but said in the record that they did not want to call him. And now they are bringing in a record before this House seeking to take advantage of discrepancies that might have been dissipated if they had called Judge Thomas. They are asking us to act in the dark and to destroy Judge English on suspicion and insinuations wholly lacking the dignity of substantial proof of impeachable charges. My sense of fair play repels the idea. [Applause.]

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield for another question?

Mr. ARNOLD. Yes.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. GRAHAM. Mr. Speaker, I yield 45 minutes to the gentleman from Maine [Mr. HERSEY].

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from Maine is recognized for 45 minutes.

Mr. HERSEY. Mr. Speaker and gentlemen of the House, it is a serious and solemn thing to impeach a judge of the Federal court of the United States. I do not know how you feel, but I do know something of how the great majority of our committee feel. I want this thing settled. For a year I have been oppressed by it, and I have had the idea that I might find some way to excuse this judge and let him go. Since I have been in this Congress there have been before my committee two impeachments. I am pleased to say that I joined in reports exonerating those men, among them a judge of the Federal court.

I want to give you the view this afternoon of 18 men out of 23. I want you to read their names in the list of the Judiciary Committee and say if they are men of standing in their profession as lawyers and men whose judgment you will take.

Mr. REID of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HERSEY. No; not now.

Mr. REID of Illinois. Who is on trial?

Mr. HERSEY. Not Thomas, nor the Judiciary Committee, nor any of the Representatives of Illinois.

Mr. REID of Illinois. It is Judge English.

Mr. HERSEY. He is not on trial. It is simply a question of whether there is evidence enough in this case to send it on to the Senate. We can not try English or condemn him.

I want to call your attention right here—including the gentleman from Illinois—to the minority report in this case, where it says:

> Having dissented from the majority view, we feel it our duty to outline to our colleagues some reasons for not joining in the majority report. The evidence in the case is voluminous, covering nearly 1,000 printed pages, and necessarily all the Members of the House will not have the time or opportunity to study this evidence and judge of its probative character and force.

We will not have time to discuss it. That is true. I want to call your attention to some of the evidence in this case, concerning which, if you sit down with your conscience and sleep nights, and say "The judge ought to go free," all right; but I want you to do that intelligently.

There came into this House in the fall of 1924 charges against George W. English, presented by the gentleman from Missouri, who talked here this afternoon [Mr. HAWES]. They were charges made by the St. Louis Post-Dispatch, a great newspaper; and I want to say here and now that in following this evidence for a whole year I have been convinced that the St. Louis Post-Dispatch spoke the truth, and nothing but the truth. There was a committee appointed from this House on January 28, 1925. That committee was a committee of investigation, because Congress was about to expire. That committee was composed of the following:

W. D. BOIES, Iowa, chairman; CHARLES A. CHRISTOPHERSON, of South Dakota; myself; EARL C. MICHENER, of Michigan; HATTON W. SUMNERS, of Texas; JOHN N. TILLMAN, of Arkansas; and ROYAL H. WELLER, of New York. While some of you gentlemen spent your time at home or at the seashore, we sweltered in the heat of East St. Louis and Centralia.

One year ago yesterday this committee was in St. Louis and East St. Louis on this investigation. What did we find at St. Louis? I want you to keep it in your mind what we found when we got there. We had no lawyers. We had no agents to investigate this case and present evidence. We went into the Federal court room on the morning, a year ago yesterday, and we found there three of the most distinguished lawyers of East St. Louis and a distinguished lawyer of Danville, Ill., the home of Uncle Joe Cannon. Sitting behind those lawyers was Judge English. They had three months in which to prepare the case and defend him against the charges which have been brought on this floor. They had every chance to call witnesses and make their defense.

I want to say as to those attorneys, distinguished men, great lawyers, for Judge English, that they never thought it necessary to do anything that has been done here in this Congress for Judge English, to make the pleas for the defense that have been attempted to be made here, to try to exclude things that have been attempted to be excluded here. We investigated the case according to the record, and I am going to stay with the record. We said:

> Where are the witnesses? Who defends the case that we are about to hear?

We were there as a court, not as prosecutors. We said to Mr. HAWES, who made the charges:

> You and the Post-Dispatch get together and come into court in the morning with your witnesses. We are not prosecutors. We will examine those witnesses and the evidence you present or we will go home.

They got together and overnight telegraphed up country, as they call it, and brought in a lawyer. He asked for a little recess in order that he might go out and consult the first witness. That recess was granted, and we were then given a list of witnesses, as furnished by Mr. HAWES and the Post-Dispatch, and we sent out our summons for the witnesses they wanted to appear. Then, gentlemen, this unfortunate situation arose. The evidence went in, as you might say, in a helter-skelter way. You know—and I direct this to the gentleman from Illinois [Mr. REID] as a lawyer—that if you put your case in in a logical way things are very much better for your case. That is especially true if you know your witnesses, know what they are going to testify to, and you put your case in in a logical way. But what did they do? They put their first witness on as to one point; then the next witness on some other point, and the next day on some other point, and for 10 days the evidence went in in that way. So it is no wonder that men come into this House, this court, and say, "We can not understand this case by reading it from the record." The committee did not understand it then. However, when the evidence went in we did our best to get all of the facts out of the witnesses and get all of the facts that were given to us. After spending 10 days in that procedure we went home, and the result of those 10 days appears in this first volume of evidence. It covers the testimony of 55 witnesses and covers six years of Judge English upon the bench. Then on July 10 and 11 new evidence was presented to us, and we went out to Centralia, St. Louis, and East St. Louis for the purpose of examining the affairs of the Merchants State Bank of Centralia. We spent two days there. That appears in the second edition of the evidence.

That was not all. Last fall, before Congress met, every member of the subcommittee received from the attorneys of Judge English a brief of 50 printed pages covering the law and the evidence in the case.

Was that all? On December 1 of last year, when Congress was about to meet, we held hearings on some more new evidence, and at those hearings the defendant, Judge English, and his counsel appeared. That went into another pamphlet of evidence.

Was that all? We held a meeting of our subcommittee after Congress met and went over the evidence thoroughly. Then we presented a unanimous report, signed by those who heard the whole case. The report was as follows:

> Said special committee having inquired into the official conduct of the said George W. English, beg leave to report that in their opinion, based upon the testimony taken, the said George W. English, United States judge of the eastern district of the State of Illinois, has been guilty of acts which in contemplation of the Constitution of the United States are high crimes and misdemeanors requiring the interposition of the constitutional powers of the House of Representatives of the United States.
>
> Dated this 19th day of December, A. D. 1925.
>
> WM. D. BOIES.
> EARL C. MICHENER.
> CHAS. A. CHRISTOPHERSON.
> IRA G. HERSEY.
> JOHN N. TILLMAN.
> HATTON W. SUMNERS.

That report was sent by the Speaker to the full Judiciary Committee of 23. What happened next? On January 12 there appeared before our committee Judge English and his three attorneys. They spent two days in arguing that case on the law and the evidence, and that made a volume of 118 pages more.

I want to say to you gentlemen that when this case goes to the Senate there is nothing new that Judge English can furnish in his defense. He has answered every charge here and his attorneys have done the same thing. The case has been fully tried, as far as he is concerned, and it has never been tried by anybody who is a prosecutor.

Gentlemen, this evidence has not been hastily considered. The full committee of 23 spent over a week in executive session. We shut the doors, and we argued the whole matter. The full committee heard the subcommittee. Every member had the right and privilege of giving his views to the full committee and arguing every point in the case. After that full argument 18 men out of the 23 voted out the articles of impeachment which are now before you.

There has been something said during the course of this debate about the law; some have said that there was no

crime committed; that Judge English is not guilty of any high crimes under the Constitution. Let us settle that right here and ascertain what the law is that is applicable to this class of cases.

I will read from Hinds' Precedents. The law seems to be well settled that in the meaning of the Constitution a judge may be impeached for offenses and official misconduct that are not indictable. Upon this point the decisions of the courts and the precedents of Congress have been collated.

Then he goes on to say:

In each of the only two cases of impeachment tried by the Senate in which a conviction resulted, the defendant was found guilty of offenses not indictable either at common law or under any Federal statute, and in almost every case brought offenses were charged in the articles of impeachment which were not indictable under any Federal statute, and in several cases they were such as constituted neither a statutory nor a common-law crime. The impeachability of the offenses charged in the articles was, in most cases, not denied. In one case, however, counsel for the defendant insisted that impeachment would not lie for any but an indictable offense, but after exhaustive argument on both sides this defense was practically abandoned. The cases, then, seem to establish that impeachment is not a mere mode of procedure for the punishment of indictable crimes; that the phrase "high crimes and misdemeanors" is to be taken not in its common law but in its broader parliamentary sense and is to be interpreted in the light of parliamentary usage; that in this sense it includes not only crimes for which an indictment may be brought, but grave political offenses, corruptions, maladministration, or neglect of duty involving moral turpitude, arbitrary and oppressive conduct, and even gross improprieties by judges and high officers of state, although such offenses be not of a character to render the offender liable to an indictment either at common law or under any statute. Additional weight is added to this interpretation of the Constitution by the opinion of eminent writers on constitutional and parliamenary law and by the fact that some of the most distinguished members of the convention that framed it have thus interpreted it.

Mr. KINCHELOE. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. KINCHELOE. I want to get the gentleman's idea about this, because it has been running through my mind since this first started. We all know the function of a grand jury, either Federal or State, and that is what we are here. We know they are justified in returning an indictment against a defendant if they have reasonable grounds to believe from the evidence—and reasonable grounds only—that there has been an offense committed. In view of the precedents, which I know the gentleman has examined, is that the same attitude this House should take; or should we, before we vote for the impeachment, have to be convinced that this man, from the evidence, has been proven guilty beyond a reasonable doubt?

Mr. HERSEY. Let me give you the rule.

Mr. KINCHELOE. That is what I want.

Mr. HERSEY. The rule is not that you must find him guilty beyond all reasonable doubt in this House or even in the Senate. There should be a preponderance of evidence which satisfies you, just as in a civil case, because this is a semicriminal and not wholly a criminal case. If you are satisfied by a preponderance of evidence which satisfies your mind that the Senate would convict upon these charges when presented to the Senate, which has the power to try them, then it is your duty under your oath to send them on to that body.

Mr. WOODRUFF. Will the gentleman yield just there?

Mr. HERSEY. Yes.

Mr. WOODRUFF. Would it not be the duty of a Member of the House to vote to send this case on even though there was a doubt in his mind as to whether or not the Senate would convict?

Mr. HERSEY. I do not want to say that.

Mr. WOODRUFF. I mean if the Member was honestly in doubt as to the outcome.

Mr. HERSEY. How a man reading this evidence and carefully considering the evidence as well as the law can have any doubt I can not understand.

Mr. WOODRUFF. The gentleman has already stated that it is impossible for some Members of the House to have studied all the evidence in this case, and I find myself in doubt as to whether this man is guilty of high crimes and misdemeanors or not.

Mr. HERSEY. Then, is not the gentleman willing to take the opinion of the majority of the committee that has studied this matter?

Mr. WOODRUFF. Of course I am, and I am going to do so unless I am convinced this man is not guilty.

Mr. HERSEY. Gentlemen, let me hastily give you a statement of the facts from the record, and do not interrupt me, please, unless I am stating something that is not the fact.

George W. English, United States district judge of the eastern district of Illinois is 60 years old, is married, has a wife and four sons. In November, 1891, he was admitted to the State bar of Illinois, and a few years later he was admitted to the District Court of the United States for the Eastern District of Illinois. He had a very limited practice in the State courts and very little, if any, in the district courts of the United States when he left the practice of his profession.

In July, 1914, through the political influence of Charles B. Thomas, of East St. Louis, Ill., he obtained a situation in the United States Treasury Department at Washington, D. C., at a salary of about $3,000 per year. He was not permitted to appear in cases in the Federal courts. Those were taken care of by the Department of Justice. His work was largely clerical and added nothing to his knowledge of Federal law or practice.

He remained in this department at Washington four years and during that time had no experience or practice in the Federal courts.

Through the influence and work of his old friend Thomas, who, in the meantime, had become quite a politician, he was appointed by President Wilson United States district judge for the eastern district of Illinois to fill a vacancy caused by the death of the late Judge Francis Wright.

On May 9, 1918, he qualified as judge and entered upon his duties in that district. The eastern district of Illinois is a great commercial section of the State. It has many large cities and runs north from East St. Louis very nearly to Chicago.

Opposite to the great city of St. Louis and across the Mississippi River within this district is the city of East St. Louis, and within a dozen years it has risen from a small town to about 100,000 inhabitants. The termini of the Big Four Railroad and 11 other railroads, a wonderful manufacturing city, with great corporations and commercial interests.

In the Federal courts this district has a strong and learned bar, great lawyers who are proud of their profession and jealous of its rights, perogatives, and standing.

As to the qualifications of Judge English for a Federal judgship at the time of his appointment, I call your attention to pages 648–649 of the record. On cross-examination I asked the judge the following questions:

Mr. HERSEY. From the time that you began to practice in the United States court up to the time you went to Washington, how extensive was your practice in the United States court?

Judge ENGLISH. I had a very limited practice; very limited.

Mr. HERSEY. Civil and criminal, both?

Judge ENGLISH. Yes. Cairo was the nearest point, 36 miles from my home, and there is only a small amount of business ever transacted by the United States court at Cairo.

Mr. HERSEY. It was a small practice in the United States court?

Judge ENGLISH. Very small, indeed; yes. I recall now only one important law case—or civil case, as you call it—with which I was ever connected, and then I was only employed specially.

Mr. HERSEY. Then you went to Washington and stayed four years?

Judge ENGLISH. Yes, sir.

Mr. HERSEY. From 1914 to 1918?

Judge ENGLISH. Practically four years. Well, I was in the city of New York from January until April.

Mr. HERSEY. You were engaged in the Internal Revenue Department?

Judge ENGLISH. Yes.

Mr. HERSEY. And, of course, during that time you did not practice much in the Federal courts?

Judge ENGLISH. No. I was not permitted to appear in those cases, because the Department of Justice always took care of them.

Mr. HERSEY. And while you were at Washington you were appointed to the bench?

Judge ENGLISH. Yes, sir.

Mr. HERSEY. So from the time you were admitted to the Federal court bar, Judge, you had had practically no practice in that court up to the time you became judge?

Judge ENGLISH. A very limited amount, as I say, although I became quite conversant with the procedure in the Federal court.

Mr. HERSEY. So you came to the bench without any long experience as a trial lawyer in the Federal courts?

Judge ENGLISH. That is true.

Mr. SUMMERS of Washington. Will the gentleman yield for a question?

Mr. HERSEY. Yes.

Mr. SUMMERS of Washington. That is very interesting, but is that the question before us? I ask for information, not being an attorney.

Mr. HERSEY. I can see what is in the gentleman's mind. I want to show the connection with something that occurs

further on, and I want to ask this question: How could a lawyer with practically no knowledge of Federal law or procedure, not having ever practiced to any extent in the Federal court, receive the appointment of Federal judge for the eastern district of Illinois?

Now, that question is going to be answered——

Mr. SUMMERS of Washington. It seems to me that question might very well have been raised at the time of the appointment, but I did not know that question was before us at this time.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. OLIVER of Alabama. Could that have unconsciously influenced the gentleman's opinion against him?

Mr. HERSEY. No.

Mr. OLIVER of Alabama. Because the gentleman became convinced he, perhaps, did not possess the qualifications proper for the office.

Mr. HERSEY. Let me state here that I am giving the House the benefit of an investigation. I want you to get a picture of Judge English and I want you to keep that picture in mind. The only way I can present this picture to you is to show that he stood there appointed to a position for which he was unfit by his education and practice. It is not anything against him, and I do not say it is anything against him.

Now, how did he come to be appointed? When the attorney for Judge English, Mr. Campbell, was before us a few days ago, in the course of his argument Mr. Campbell said, and I quote this from the record:

> Mr. CAMPBELL. Judge Thomas and Judge English had lived in neighboring countries, Hamilton and Johnson counties, in southern Illinois, for a great many years. They had been the closest kind of personal and political friends. And in Judge English's campaign for the legislature, back 15 or 20 years ago, or along in that neighborhood, they were in the same senatorial district. Judge Thomas had been a great political friend in carrying Hamilton County for Judge English when he was a candidate for the legislature.
>
> During the campaigns for the position for Federal judge, which lasted for a year and a half before the appointing authorities could determine it in our district, Judge Thomas had been untiring in his labors for the appointment of Judge English. He had been the closest kind of personal and political friend.
>
> They continued that friendship, I am frank to say to you, at East St. Louis.

It was a most unfortunate appointment made in the stress of the World War. Here stands Judge English, a lawyer totally unfitted by education, training, or experience for that great office. Here is his campaign manager, Thomas, a shrewd politician whose efforts for a year and a half—Campbell said—had been untiring in behalf of the judge. Thomas could say, "I own the judge for I made him."

Judge English when he entered upon his duties had not only put himself under great obligations to Thomas but he had, as a judge, laid upon him a great task for which by education, training, and experience he was wholly unfitted. If honest, courteous, dignified, just, and with due regard for the rights of others and the importance of his judicial position, he might have become a great judge and have had at this time the respect and confidence of the bar and of the people of his district.

He has been United States district judge for six years up to the time charges were filed against him, which are now being investigated. Let us follow him through these six years on the Federal bench and see if there is anything in his official acts and conduct that demands his impeachment.

The charge in article 1 is as follows:

> That the said George W. English, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as the district judge for the eastern district of Illinois, did on divers and various occasions so abuse the powers of his high office that he is hereby charged with tyranny and oppression, whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute and by his tyrannous and oppressive course of conduct is guilty of misbehavior falling under the constitutional provision as ground for impeachment and removal from office.

The first thing we come to in this connection is the disbarment of Thomas W. Webb, and I have just a word to say about that in passing. I have not the time to argue it. I want you to get in your minds the fact that Judge English himself spoke very highly of Webb and his attorneys in every argument they made to us, spoke of Webb as a man of character. Let us see what the record says about Webb:

In the summer of 1922 Thomas W. Webb was an attorney at law residing in East St. Louis, where he had lived for 22 years. He was an attorney of ability, experience, and character. He had practiced law 31 years, been a member of the bar of the United States District Court of the Eastern District of Illinois for 20 years and a member of the bar of the circuit court of appeals. He had an extensive practice in all these courts, both civil and criminal.

Returning from Belleville, the county seat of St. Clair County, where he had been trying a case, he was informed by his office at East St. Louis that there was a man in jail at East St. Louis that wanted to see him. He went down to interview the chief of police and found a man there by the name of John Gardner. He had been tried by Judge English for some alleged offense and had been discharged because there was no evidence to convict him, and the only process the chief of police had to hold him in jail was a telegram from the chief of police of Chicago that he was wanted there, and so forth. There was no warrant against him and no legal process of any kind. Acting as his attorney, Webb applied for a writ of habeas corpus to the city court at East St. Louis, which had jurisdiction. Webb notified the State's attorney and had him present in court to represent the State.

The judge of the city court, after hearing the case, decided that the prisoner could not be held upon this telegram, and there being nothing else against him he was discharged. Sometime later Attorney Webb received from the clerk of Judge English notice that on a certain day he should appear before Judge English to show cause why he should not be held in contempt of court. Attorney Webb took with him Bruce A. Campbell, a distinguished lawyer, of East St. Louis, and together they went before Judge English. There was a large attendance in the court room, both attorneys and the public; the court was in session with English upon the bench. When English saw Webb he said:

> "Mr. Webb, will you come forward to the bar?" Webb went forward to the bar, and then Judge English said, "Mr. Webb, no doubt you received a letter from the clerk of this court requesting your appearance here on this occasion?" Webb said, "I did, your honor." English said, "I resorted to that method of getting you here rather than to have the marshal bring you here, and to that extent save you embarrassment. You will be disbarred from further practice in this court until you have filed with the clerk of this court a written statement of your connection with the so-called 'Dressed-up Johnny Gardner matter.'"

He further said:

> You may take all the time you want in preparing that statement. I want it in detail and I want it under oath. I suggest that you go back somewhere by yourself and meditate upon the long number of years and months of time in which you have expended your efforts and energies to bring you to the position you now occupy in this court and in the State courts as one of the best lawyers there is, and see if you can square your conduct in all these years as such prominent attorney with your conduct in the Johnny Gardner matter; and I repeat, you may take all the time you want to do that.

Webb being much humiliated in court before the people and his friends of the bar, said:

> Your honor, may I say something.

Judge English leaned forward upon the bench and with emphasis said:

> I do not know whether you may or not. What is it you want to say?

Webb paused a moment and thinking it over, said, "Nothing," and later after another pause he said, "I will file the statement immediately with you," and he did.

About six weeks after that he received a letter from the clerk of Judge English's court, stating that he had been reinstated to practice law in that court. In the meantime Webb had lost much business and many clients, and was exposed to humiliation by being disbarred and expelled from the court as a member of the bar.

What had Webb done that he should be disbarred? He went before the judge of the city court and had a prisoner released under a writ of habeas corpus. All the prisoner was being held on was a telegram which Judge English says he got from Chicago, he thinks, asking him to hold the prisoner for something else. He attempted to hold him two days under that telegram after he had been found not guilty. Then he sent his marshal down to the jail to bring him up to his court, Judge English says and his attorney says, to have him discharged. Do not get that out of your mind. All he was going to do was to send for Dressed-up Johnny, bring him up to his court, and discharge him.

Mr. REID of Illinois. Will the gentleman yield right there?

Mr. HERSEY. There had been nothing further received from Chicago or anywhere else.

Mr. REID of Illinois. Is there anything in the record to show he was not going to turn him over to the officers who had come to apprehend him?

Mr. HERSEY. I will read you from the statement of Judge English's own attorney, Mr. Campbell, made before us:

In a couple of days, nobody having appeared, Judge English sent for Dressed-up Johnny to discharge him.

I am quoting from the record. I am not going outside of the record at all.

Mr. MILLS. Will the gentleman yield? Did not Webb get him out inside of 24 hours?

Mr. HERSEY. I do not know. I did not figure the time.

Mr. MILLS. I think the record will show.

Mr. HERSEY. This record says in a couple of days.

Mr. MILLS. The judge sent for him in 48 hours, but he was gone because Webb had got him out on a habeas corpus.

Mr. DOMINICK. If the gentleman will yield, my recollection is, and it is uncontradicted, that Webb stated that he had been out of the city and he was sent for to look after this prisoner four or five days after he had been placed there.

Mr. HERSEY. That does not amount to anything. Do not be fooled by anything of this kind. There was a man in jail. Webb got him out by habeas corpus. He went to the district attorney and asked him if he had anything against him, and he said no. He asked the jailer if there was anything against him, and he said no, he did not know why he was there. He had been discharged from Judge English's court and was in the custody of the chief of police of East St. Louis; then Webb got him out on habeas corpus.

Judge English was angry because Webb got the prisoner out before he, Judge English, had an opportunity to discharge him. Was that anything to disbar a man for? They were both after the same thing—Webb was for discharging, and Judge English was also after him to discharge him. What does it matter that Webb got ahead of him? Webb did not know anything about it. Now, do not get this mixed up. I will read from Campbell's argument a little further. This is Campbell's argument before our committee. You will find it on page 17 of the argument. Now listen, gentlemen. This is from Campbell, English's attorney. He says:

There is nothing within the strict line of the duty of a lawyer that can be said against Mr. Webb's action in suing out the writ of habeas corpus.

Nobody ever claimed until they got on the floor of the House that there was anything wrong in the conduct of Webb except Judge English himself. His was not even a flimsy excuse for this act of Judge English. There is no explanation except that of a weak, selfish, tyrannical judge, who does not recognize the rights of a member of the bar; who, "clothed in a little brief authority," says he was my prisoner, and no one had a right to discharge him but me.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. COOPER of Wisconsin. I think it is quite important, in view of what the gentleman from New York has said, to have the facts brought out. As to the statement that this man was discharged in 24 hours on a habeas corpus, the testimony is on page 45, and it is uncontradicted, where he says:

We have in custody a man by the name of Gardner, who had been tried three or four days before that in the Federal court by Judge English and had been discharged by Judge English because the evidence did not warrant a conviction.

Mr. HERSEY. That is right.

Mr. REID of Illinois. Does the gentleman from Maine mind telling the House whether Judge English had issued an order discharging the prisoner from custody or not?

Mr. HERSEY. No; Judge English had found him not guilty in the case.

Mr. REID of Illinois. Not from custody?

Mr. LaGUARDIA. He had no jurisdiction over him.

Mr. REID of Illinois. Yes he had.

Mr. HERSEY. In two days nobody having appeared Judge English sent for Dressed-up Johnny to discharge him.

Mr. REID of Illinois. Then he had not been discharged before from custody?

Mr. HERSEY. Judge English testified that he was found not guilty.

Mr. REID of Illinois. He was not discharged from custody, but discharged from that case?

Mr. HERSEY. The gentleman can put it technically in that way.

Mr. REID of Illinois. That is substance and not technicality.

Mr. MONTAGUE. Will the gentleman yield?

Mr. HERSEY. I will.

Mr. MONTAGUE. I want to suggest to my colleague—I do not know what the practice is in all jurisdictions, but I suggest to the gentleman that this man Dressed-up Johnny was tried for a post-office offense in Judge English's court which had Federal jurisdiction. He was acquitted. Judge English simply remanded him to jail to await a telegram or a response to a telegram asking that he be held not for a Federal offense but for a State offense. He was in jail in pursuance of no commitment, no mittimus, no legal paper, warrant, or authority, simply a mere ipsi dixit of Judge English. That may be the practice in Illinois, but it is not in the bulk of the States of this Union. [Applause.] I submit further that it is not only not the practice in the bulk of the States of this Union but it is oppressive tyranny to hold people without a mittimus without legal authority.

Mr. REID of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HERSEY. Oh, do not let us spend so much time on this. There is one fact that has not been brought out yet. For a hundred years the courts of the United States have decided, the supreme court in almost every State of the Union, that no lawyer can be disbarred or suspended without a hearing on charges filed against him, and I have a lot of cases here that I would like to cite. Put that alongside of the other. Judge English not only had no right to suspend or disbar him at that time, and I am speaking of the Webb case. It is said that he was honest about the matter. If he was honest about the matter, when Webb had filed his answer to these charges and he said six weeks after, "I reinstate you," what would he have done? How did he do it? Did he do it like a judge should do it? No; he told the clerk to send him a notice that his name had been put back on the roll. Should he not have said to Webb, "You are a distinguished lawyer; I made an error in disbarring you in public; I disgraced you and humiliated you and would not even give you a chance to answer, and I want you to overlook this in me in making that error." That standing by itself might be explained, but you can not do it when a few days afterwards something else happened, and that is the disbarment of Karch. That all goes to show a course of conduct in this judge which we claim condemns him. Some of you gentlemen have been arguing about a little incident here and there, taken out of its connection, and you say that that of itself does not amount to much, but put all these together until you get 28 different charges against this judge's conduct, and then see what you think about it.

I would like to stop here and defend the character of an attorney who has been charged on the floor of this House with being a convict and who had no chance to protect himself. What do you think of a defense that is driven to such desperation that it would come before this body and outside of the record attempt to ruin the character of a man that Judge English himself restored to practice at the bar, and that the great bar of the State of Illinois has no charges against? Would they not have made them in St. Louis before our committee if Judge English had anything to show that this man was not a proper person to practice law? He discharged Karch, and you know it was for only one reason, and that was that Karch disputed with him as to whether the statute was constitutional when the Clayton Act gave these men who were dragged into court the right of trial by jury. He went to the representatives of the railroads and said that this was the last time that he would ever grant a jury trial to the strikers. That is the only reason that he disbarred Karch, and all this other stuff is nonsense. It is no defense here at all. He disbarred Karch and told him to get out of his court and to stay out. Have you any idea at all about a judge who will break a law yesterday and then to-day? Does that mean anything to you?

I think it is proper right here now to quote from the highest court in the land, the Supreme Court of the United States, 19 Wallace, 405, in the matter of Ex parte Robinson. Robinson was disbarred. That is a leading case and has never been overruled. The judge of a district court summoned an attorney to show cause why he should not be punished for contempt of court. He had done a good many things that perhaps put him in contempt. He appeared before the judge. The judge ordered him to answer in writing to these things under the rule. Robinson replied that he would not answer to anything. In his defense the judge said that the attorney in his response and in his tone and manner was angry, disrespectful, and defiant of the court, and the court thereupon ordered the clerk to strike his name from the roll of attorneys and the marshal to remove him from the bar. That is a stronger case

than the case of Karch. The attorney took that up to the Supreme Court of the United States, and Mr. Justice Field, an honored judge of the Supreme Court, whose memory every lawyer respects, said this:

Before a judgment disbarring an attorney is rendered he should have notice of the grounds of the complaint against him and ample opportunity of explanation in his defense. This is a rule of natural justice and should be equally followed when proceedings are taken to deprive him of his right to practice a profession as when they are taken to reach his real or personal property. And such has been the general, if not the uniform, practice of the courts of this country and of England. There may be cases undoubtedly of such gross and outrageous conduct in open court on the part of the attorney as to justify very summary proceedings for his suspension or removal from office, but even then he should be heard before he is condemned. The principle that there must be a citation before hearing, and hearing or opportunity of being heard before judgment, is essential to the security of all private rights. Without its observance no one would be safe from oppression wherever power may be lodged.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. HERSEY. For a brief question.

Mr. McKEOWN. I just wanted to know if the committee was going to pursue the rule to impeach all these other Federal judges who strike lawyers from the roll.

Mr. HERSEY. I think we will try one case at a time.

The SPEAKER pro tempore. The time of the gentleman from Maine has expired.

Mr. GRAHAM. Mr. Speaker, I yield 30 minutes more to the gentleman from Maine.

Mr. HERSEY. I know what to take up—the second charge of tyrannical, oppressive, and improper conduct of Judge English in the unlawful disbarment of Charles A. Karch.

Charles A. Karch is a well-known attorney of East St. Louis and has lived there since September 1, 1913. He is 50 years of age and has been a practicing attorney since October, 1899. He is not only a member of the State bar of Illinois, but also a member of the District Court of the United States for the Eastern District of Illinois, and was three times a member of the Illinois Legislature. He was United States attorney for the eastern district of Illinois, apponted by President Wilson, and after retirement as United States attorney he practiced law chiefly in the United States courts for the eastern district of Illinois. He had established a large practice in the district courts. He appeared in more criminal cases than any other lawyer at that bar. He had also been admitted to the Circuit Court of Appeals for the Seventh District in September, 1914, and had appeared in that court in 13 or 14 different cases. He is a man of the highest character and reputation. Up to the time of his disbarment he was in very high standing among the members of the bar and the people of Illinois and Missouri.

In July, 1922, there was a strike of railroad shopmen, which was principally confined to Chicago and vicinity. A United States district judge at Chicago issued an injunction against the striking shopmen, and Judge English himself had issued some kind of an injunction, whether with or without any authority we do not know.

Prior to August 15, 1922, many strikers were cited before Judge English for contempt of his injunctions and Karch represented in their defense the organization of railroad shopmen as their attorney. It was his duty to appear when they were arrested and look after their rights in court. For some weeks prior to August 15, 1922, Karch had appeared before Judge English almost daily, representing these alleged violators of law as shopmen charged with violating some injunction. In these several cases the plea of not guilty was usually entered and a written motion for a trial by jury, and that in the meantime they might give bail until a time was set for trial by the court providing a jury.

It was about August 13, 1922, that Judge English, on application of Karch for a jury trial and bail, said to Karch, "I doubt whether these men are entitled to a jury trial under the Clayton Act."

Judge Edward C. Kramer, now one of the counsel for Judge English, was present in court and indicated to Judge English that in his opinion they, these respondents, were entitled to trial by jury under the Clayton Act. The judge was very angry, but entered the order as requested by Karch at that time.

On August 14, the next day, he called Karch and other counsel engaged in the defense of these men into his private chambers. Some of these lawyers called in with Karch were railroad attorneys representing the railroads and asking for injunctions. When they had been seated in his chambers Judge English said in substance that he had been granting jury trials to these men, but that he would probably change his attitude very shortly; that he was of the opinion that the Clayton Act was unconstitutional so far as it provided for jury trials for these men, and that some day when a sleek-looking walking delegate came before him charged with contempt he would rule and give his reasons for holding that the Clayton Act was unconstitutional.

He further said that these applications for a jury trial came with very bad grace, in his judgment; that they tended to clog the courts and were more or less an evidence of lack of confidence on the part of the judges. Karch retired from this conference.

The next day, August 15, 1922, Karch again appeared before Judge English representing defendants Hooper and Miller, of Mattoon, Ill. They were charged in a criminal information with having violated the injunctions issued on behalf of certain railroads. They were arraigned and plead not guilty, and Karch filed a written motion asking for a jury trial in their behalf, and that in the meantime they be admitted to bail. These motions set out statements of fact which, upon their face, put the defendants within the strict letter and spirit of the Clayton Act, which provided for jury trials. English entered the order for trial and bail, and then said, in substance:

This is the last time I will honor counsel's request for a jury trial. I have repeatedly informed counsel, from the bench and in chambers, that these applications for jury trial came with bad grace, and that the court felt that any lawyer that would ask for jury trials intended deliberately to insult the court; that no ethical lawyer would do it.

William Moran, of Mattoon, Ill., an attorney, was associated with Karch in the defense of these men, and after this speech from the bench Karch and Moran seated themselves in the court room. Judge Kramer began to read to the court an original bill in equity which he had just filed asking for another injunction in behalf of some railroad. Judge English exhibited anger and with red face pounded his desk and asked Judge Kramer to suspend. Judge English then addressed himself to Mr. Karch and Mr. Moran, in substance, as follows:

There are two attorneys in this court room who have completed the work they were required to do in this court for the day, and their presence is no longer desired. Counsel has a habit of tantilizing the court—

And addressing Karch he said:

He had repeatedly demanded jury trials when he knew that the court did not care to extend them or allow them, and I now command these attorneys—I mean you, Mr. Karch—to get out of this court room and stay out.

Mr. Moran immediately withdrew from the court, and Karch said, addressing the court:

Your honor, I believe I am within my rights to remain.

Judge English then turned to the United States marshal and said:

I order you to take Mr. Karch out of this court room.

The marshal took Karch by the arm and led him out of the room. When they reached the door of the court room leading into the general hallway, English in a loud voice said to Karch, in substance:

Now you are without this court room, and again I say to you to stay out, and from this day hence, whenever and wherever I meet you, we will meet as man to man. I know what kind of a man you are. I have observed your performances here. I am a man of affairs. I know how to meet men like you and situations such as this one.

Karch said:

Why don't you do it now?

English then said:

Mr. Marshal, bring this man back before the bar of the court.

Karch was brought back to the bar, and English said in substance:

Karch, I am on to you; I know all about the crooked business you have been doing, and I hereby disbar you from practicing in this court. Mr. Clerk, you will enter a formal order striking the name of Charles A. Karch from the rolls of attorneys whom are permitted to practice in this court.

He then ordered the marshal to take Karch outside the court room; the order of disbarment was entered, and Karch was disbarred.

Karch, thus being deprived of his practice before the court as a means of support for himself and family, set about to get reinstated, and to do so he appealed to Judge Thomas, the referee in bankruptcy, whom he knew to be a great friend of Judge

English and could get favors where nobody else could. Thomas promised he would intercede, but so far as Karch knows he did nothing. After this Karch wrote personal letters to the judge appealing to him to retract, and also sent to the judge his counsel, Judge Chester H. Krum, but all this proved of no effect. In his letters to the judge, Karch recalled the incident and appealed to the judge to give him a public hearing or inform him in what way he was in contempt of court; and if the judge could point out to him any act of discourtesy or unethical practice or improper conduct of which he was not conscious, he would apologize to him in open court or privately or make any amends that Judge English would suggest. He received no reply.

Judge Thomas informed Karch that he was going at the matter wrong; that he ought to file in Judge English's court a formal application for reinstatement, asking for a rescission of the order. Karch thereupon filed a pleading or document of that character with the clerk in Judge English's court and mailed Judge English a copy, but he received no reply. This was in August. In October or November of that year English wrote a note to Karch to come to his office. Karch came in person, and English said to him in substance:

> I want to talk to you about your application for reinstatement that you have filed. That is not the proper way to proceed; to slap something on the files here. There ought to be a method evolved by which you are to be tried on this application and by which the facts would be investigated.

Karch said:

> Well, I will subscribe to any system that you suggest.

English said:

> I can not be the counsel, witness, and the judge at the same time. You ought to know better than that, but I have a way out. I will appoint a committee of lawyers of high standing, reputable lawyers in the city of East St. Louis, and I will refer the matter to them. I will inform them of a thing or two I think they ought to know.

And without consulting Karch he thereupon appointed Judge E. C. Kramer, now one of Judge English's counsel; Judge Thomas, his friend; and Samuel W. Baxter, an attorney of East St. Louis, as the third man.

Judge English then said:

> I know what this committee is going to do. It will be like the Dutch judge's verdict, who was willing to hear all the evidence but will finally decide in favor of the plaintiff.

The committee took the matter under consideration, and in about four or five weeks the committee made a report exonerating Karch and recommending his reinstatement, and this report was adopted by the committee and delivered to Judge Thomas to be delivered to Judge English.

Judge English thereupon wrote a letter to the committee discharging them from making any report and taking the position that he would not be bound by their findings. Karch thereupon prepared a petition addressed to the United States Circuit Court of Appeals for the Seventh Circuit at Chicago for a writ of mandamus requiring Judge English to reinstate him as a member of the bar, upon which no action was taken.

After consulting with his counsel, Karch was satisfied that the circuit court had no jurisdiction but that he should apply direct to the Supreme Court of the United States. Judge English indicated to counsel for Karch that he, Judge English, did not want this matter taken to the Supreme Court and that if Karch would dismiss his petition in the circuit court and not take the matter to the Supreme Court he would reinstate him.

Karch dismissed his petition, and 10 days afterwards he was reinstated as a member of the bar by English.

At the time of the reinstatement of Karch Judge English said that while he would reinstate him as a member of the bar that he would not allow him to practice before him in his court, and that if he had any cases to try he would have to call in some other judge to try them.

At the October term of the district court for the eastern district of Illinois, 1922, held before Judge English, Karch appeared for the defense of one Doctor Killene, who had been indicted. When English saw Karch in court as counsel he immediately discontinued the case and sent all the witnesses home. He then called Thomas M. Webb, an attorney who was associated with Karch in the defense of Killene, into his private chambers. English was very angry and excited and said to Webb, "Is Mr. Karch associated with you?" Webb said "Yes." English said, "I will not try any case where Mr. Karch appears as counselor or an attorney. The case will be continued until the next term, and you may go home."

English said further to Webb at that time that he would not try any case where that —— —— —— —— —— —— appears as an attorney. Down to the present time Karch has not been allowed or permitted to appear as counsel in any case before Judge English, although on the record he is in good standing at the bar.

What was done with Karch? After he was disbarred he presented a writ in the circuit court and then changed it to the Supreme Court, so as to have the Supreme Court issue a mandamus to put him on the roll again. What did Judge English do? He sent for him, got him to come to his chambers, and sat down and talked with him about the matter and made an agreement with him that if he would withdraw his appeal to the Supreme Court—he did not want the Supreme Court to get hold of this thing—he would reinstate him. That was a solemn agreement and the Judge should have kept it the same as you and I would keep our agreements, especially in a matter of this kind.

Karch withdrew the appeal, dismissed it, and he was reinstated, as the Judge said. Then what did he say to him? I have not got that just now, but you remember the record. He said, "You can not appear any more in my court. I reinstate you, but you will have to get some other judge to try your cases; I will not try them." And, gentlemen, do you know what that meant? Karch was living in East St. Louis, a city of 100,000 inhabitants, and had been there a great many years. The evidence shows he had a big clientage, that his family was there, his practice was there, and the evidence shows—I wish I had more time to quote it to you—that Judge Lindley, an associate, tried one case in East St. Louis. The cases of East St. Louis were all tried by Judge English. What did that mean? It meant he was suspended from the bar and never could practice where he had his home or else he could leave the country. Have you got any responsibility here to-day? Karch is unable to practice in his home city.

The fact is that Judge English, out of prejudice, hatred, and malice toward Karch, disbarred him. This appears in his statement to Webb that he would not try a case when he appeared as attorney. It further appears in the testimony of Judge Lindley, who testified, page 395:

> He (English) told me that he did not feel that he could do justice in Karch's cases; that he felt he had a prejudice against him.

On page 397, Mr. TILLMAN, of our committee, asked Judge Lindley the following question:

> Mr. TILLMAN. Judge, are you influenced in the slightest degree by the fact that you do not like an attorney, and do you in any way consider that you are prejudiced against his client because of that dislike?

Does this mean anything to you Are you going to say to Karch, "Get out from East St. Louis and from the bar. Either go to some other country and establish a practice for yourself and family if you can, but English remains on the bench?" Can you reconcile that with your conscience and your oath? I can not. Now I must hurry on this question of conduct. There were three members of the press brought in, and he threatened them with jail if they published even the facts about the reinstatement of Karch or his appeal. He put these little papers in fear of imprisonment, but would let them go off if they did nothing more of the kind.

Now, just a word about the State's attorneys and sheriffs. Gentlemen, I want to say this is: We saw these men. The committee saw these three sheriffs and these three State's attorneys, with the mayor of this city—men who have been in office many years, reelected by their people. They were good lawyers, many of them ex-district attorneys. They came before us and testified as to what took place there in Judge English's court and on the bench; and now, gentlemen, you have got to accept their testimony or you have got to accept the testimony of Judge English. There is no other way out of it.

Mr. BOX. May I interrupt the gentleman? Did I correctly understand the gentleman to say that Judge English threatened those three newspaper men with heavy punishment if they published the facts about the trial of Karch?

Mr. HERSEY. Yes. Read the record—I have not it here—and if it goes in the RECORD to-night, so you can read it to-morrow morning, I wish you would do it.

Mr. NELSON of Wisconsin. Did they violate any injunction in what they did?

Mr. HERSEY. No; just publishing the news of the day. I next call your attention to the arbitrary conduct of Judge English on the bench, as to county and State officials, as follows:

In August, 1922, by a special summons served by his marshal, Judge English summoned the State's attorneys and State's sheriffs of the counties in the eastern district of Illinois and the mayor of the city of Wamac, Ill., to appear before him in the Federal court to be held at East St. Louis on the 8th day of August, 1922, to testify in the case of the United States against one Gourley and one Daggett. The following appeared: The State's attorney of Marion County, the State's attorney of Clinton County, the sheriff of Marion County, the sheriff of Clinton County, the sheriff of Washington County, and the mayor of the city of Wamac.

At 10 o'clock a. m. the court opened in the usual manner, with Judge English upon the bench. About 40 persons were present in the court room, and also many members of the bar. The judge ordered these officials so summoned to take the juror chairs to the left of the bench, the State's attorneys in the front seats, and the sheriffs behind. This was done. Judge English then arose and said in substance that these officials had not been doing their duty in enforcing this injunction, that some persons had criticized him, and he did not give a ——, because he was not afraid of the —— —— ——. He said:

I do not know what you men's politics are, whether you are Republicans or Democrats, and I don't give a ———.

He said:

Unless you proceed to enforce the law better, I will have you removed from office and put others in your places who will perform your duties.

He began to walk back and forth from behind the bench, pounding his desk and rapping it, further said:

I will be —— if you are going to pass the buck to this court.

He was in a rage and kept up for some time this tirade. He said:

I have power to call out a thousand men to enforce my injunction, and if you do not cooperate I will remove every one of you from office.

I will not go further on that. This is a conference, my brothers say here. It was heard yesterday it was a conference. That is the only time they were allowed to explain. Now further—

John Knies, from Breese, Clinton County, Ill., sheriff of that county, was then pointed out by the judge, who said, "Sheriff Knies, some of these days you will get an awful damage suit. The mere fact that you appointed a striker, a man, as a deputy, is enough to violate this injunction of mine." Knies said, "I did not." English said, "If you don't keep your damn mouth shut, your wife will be a widow for a long, long time."

He then left Knies and started in on Lucien Beasley, sheriff of Marion County, and said—

Now, that is the only time they were allowed to explain, and when he opened his mouth and said he did not do the thing the judge said:

If you don't keep your damn mouth shut, your wife will be a widow for a long, long time.

Then he turned to Beasley——

Mr. MILLS. Will the gentleman permit, did anyone else support that testimony?

Mr. HERSEY. They all supported it.

Mr. MORTON D. HULL. The three State's attorneys all testified?

Mr. HERSEY. Yes. He turned to Lucien Beasley, sheriff of Marion County, and said:

If I were you, Lucien Beasley, I would go to the Mississippi River, with that tin star that you have got on, and jump in and drown myself.

He said much more in an angry and tyrannical manner, and without asking any explanation or permitting any reply dismissed them all.

Charles F. Dew, of Centralia, Ill., Marion County, attorney at law and State's attorney for that county since 1920, after the court had dismissed these States officials, went to the chambers of Judge English. He knew Judge English well, but found the judge raging in his chambers and acting as though he was going to assault him. There were a good many railroad attorneys in the chambers that he knew. He asked Judge English what he had done, or had not done, that he was the occasion of this lecture. The judge advanced upon him in a threatening way, put his fist upon the table, and said:

I will send you to jail the first thing you know if you try to intimidate this court.

He said:

Judge English, I want to ask you for information, and I am willing to give any.

Judge E. C. Kramer, who was present, interfered and called down the judge, soothed him, but he gave him no further information, and Dew left the room.

Can you excuse this kind of work, in open court, in the presence of the public? In open court, in the presence of the public, from his place upon the Federal bench, he used angry, loud, improper, profane, and indecent language and abuse in denouncing these State officials, so deceitfully summoned by him, without any right, power, or authority over them. In open court and from the Federal bench he tyrannically threatened these State officials with imprisonment and removal from office when he knew he had no power to do either. In open court, and from the Federal bench, he unlawfully, tyrannically, and falsely represented to these State officials that he had power to call out a thousand men to enforce his injunction, and that if they did not cooperate with him he would remove every one of them from office.

What tyranny, what usurpation, what falsehood, what malicious and improper abuse of his high office! And then to deny to those officials any explanation or reply in their own defense, to unlawfully humiliate them before the public, and then dismiss them from his august presence as guilty culprits unworthy of his further notice or consideration! Such official misconduct tends to lose the respect for the courts and brings necessarily the laws of the land and the cause of justice into contempt.

For such improper, unlawful, and tyrannical conduct, for such usurpation of judicial power, for such profane, vulgar, and indecent language from the bench Judge English ought to be impeached.

I have not time to go over all these matters of tyrannical conduct on the bench, but there is one instance I will stop long enough to refer to. The judge said, in the trial of Hall to the jury:

If I instruct a jury to find a man guilty and they do not find him guilty, I will send the jury to jail.

Mr. LARSEN. Is there evidence to support that statement?

Mr. HERSEY. Ely testified to it, and the judge does not deny it.

I want for just a moment now to go into this bankruptcy matter. There is a series of charges here in article 2. Some one has discussed the rules here this afternoon that he enacted. The bankruptcy law, we should remember, is in the organic law; you know that, gentlemen, as lawyers. Additions to laws are made in orders by the Supreme Court of the United States, and the courts have decided that anything that may be added to these rules and orders must not be in conflict with the organic law. They fix the compensation charges of the referee and the compensation of all his officers. Here was Judge English giving unlimited power to the referee. For what? To promote this great bankruptcy ring.

Mr. ARNOLD. Mr. Speaker, will the gentleman yield?

Mr. HERSEY. Yes.

Mr. ARNOLD. Does the gentleman claim that the law I quoted this afternoon does not authorize the referee to do what I said it did?

Mr. HERSEY. Yes; but the gentleman did not come anywhere near the law. [Laughter.]

Now, just a word more, gentlemen. Remember now; do not forget this: At the time of the appointment of Thomas, Thomas resided in East St. Louis. Judge English resided 70 miles away, at Centralia. As soon as they got this rule through and established their bankruptcy ring Judge English moved from Centralia down to East St. Louis and established his home across the street from the home of Thomas. Do not let these things go out of your mind. Thomas commenced to provide a suite of offices in a magnificent building there, with an office for himself and for the clerical force, and a big court room for the referee, and that was two blocks away from the chambers of Judge English. Then he put into that office his son, George English, and gave him fees and salary and appointed him to receiverships and trusteeships. Keep in mind the fact that he put in there his two sons-in-law and his own son, M. H. Thomas. Judge English took another, one Frizzell, who resigned from his court, as clerk, and took him into the office of Thomas and had him appointed United States bail commissioner. He used the same room that Thomas occupied as a court room, and Thomas brought before that bail commissioner to fix bail and decide whether defendant should be discharged or held; and there sat Frizzell, his clerk, the bail commissioner,

to decide whether the defendant should go or not, and Thomas was the attorney for the defendant.

He took one Hooper and made him his head clerk, and got Hooper appointed as the head of a big bonding concern, and he put in his son and his clerks and appointed them as receivers. He established what was called the Government Sales Corporation, took the incorporators out of the office, and put in his sons and sons-in-law and his clerks as a corporation to assess and appraise estates and then sell them at auction.

Mr. REID of Illinois. You do not mean Judge English's son-in-law?

Mr. HERSEY. No. Judge English's son, George, jr., was under age, studying law, and Thomas appointed him as attorney for a certain trustee, so that he could draw down an income; and he had another man, a friend, to receive the checks, because the boy could not legally receive them. He was but a boy, Judge English's son.

I have not the time to go into that looting. The evidence shows that thousands and thousands of dollars were approved by Judge English in final accounts that were overcharges by that ring.

Mr. CRISP. Mr. Speaker, will the gentleman yield there?

Mr. HERSEY. Yes.

Mr. CRISP. Will the gentleman tell me the name of the witness who testified to that? I want to read it to-night.

Mr. HERSEY. Well, if you will read the testimony of one Mr. Thayer—I forget what his first name is; he was a clerk in the office—you will find a whole lot of testimony there along this line, some of it from people who were clerks. They are scattered all through the book. If you will pick them up, you will find all about that bankruptcy ring, and the Government examiners tell all about it in the record.

Mr. GRAHAM. Will the gentleman from Maine yield for a suggestion?

Mr. HERSEY. Yes.

Mr. GRAHAM. I want to say to my friend from Georgia [Mr. CRISP] that the cross-examination of Judge English contains a great deal of what the gentleman from Maine has recited.

Mr. CRISP. I thought I would like to have the names of the witnesses who testified to those matters.

Mr. GRAHAM. The examination conducted by Mr. Michener and others illuminates that subject and confirms the statements of the gentleman from Maine.

Mr. BOWLING. Will the gentleman yield for a statement of a half moment?

Mr. HERSEY. Yes.

Mr. BOWLING. The testimony of the examiners from the Department of Justice shows that the bankrupt estates were administered at an average per cent less than that which generally characterized their administration throughout the United States.

Mr. GRAHAM. Will the gentleman from Maine yield to me in order that I may say a word in reply to the gentleman from Alabama?

Mr. HERSEY. Yes.

Mr. GRAHAM. That was simply an account audit and does not amount to anything more, and is no more a confirmation of the things which happened in this man's office than if it had never been uttered.

Mr. BOWLING. I beg to disagree with the gentleman.

Mr. HERSEY. Gentlemen, the rule was changed so that the referee could appoint all of the receivers. In the first instance all of the papers went not to Judge English, but to the referee, and he made appointments as he pleased. He gave the plums to all of those in his office that he could, and then sent the rest of the papers to Judge English, and Judge English appointed Judge Thomas. It is a disgraceful affair. I ask you to read the record of the receiverships. In answer to my question Judge English said Thomas was receiving about $7,500 a year from the legitimate work in his office, just from the office itself. That is what he was getting in the way of a salary, but you figure out what he was getting as receiver and you will find he was getting over $75,000 a year from receiverships. Read the record and see where English removed many receivers and appointed Thomas in their stead.

I want to call your attention to one thing. Thomas was appointed a receiver of an estate along with another receiver at a big salary, $9,500 a year, and he drew down $43,000 from a small estate, which should not have suffered to that extent. In another estate he made a report, along with one of his associate receivers, to the court, to Judge English's court, in writing. Judge English drew up an order, and what did he say? He said the fees should be increased. Why? Because Judge Thomas had spent six months in Chicago working on the case of this receivership, and during that six months he was away from his office. The ring was down there doing the work while he was away from the office earning these big fees.

Mr. REID of Illinois. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. REID of Illinois. Has the gentleman ever been in a referee's office in Chicago?

Mr. HERSEY. Suppose I had been in the offices of referees all over the country. How would that affect this matter?

Mr. REID of Illinois. The gentleman would think this was a piker's office as compared with the money earned by referees in many of the cities.

Mr. HERSEY. Has the gentleman ever known of bankruptcy matters where the estates were looted in this way?

Mr. REID of Illinois. Yes; every place in the world—in Chicago, New York, and every other place but Maine, possibly.

Mr. HERSEY. I hope my State does not get into such matters, and I do not believe that happens.

Mr. REID of Illinois. Then the gentleman has never gotten into court very far.

Mr. HERSEY. I never got into that kind of a court. [Applause.]

Gentlemen, just listen to this. It is the duty of a Federal judge to designate some bank or banks as a depository or depositories for bankruptcy funds. Very soon after he appointed Thomas he made his first designation of a Federal depository. You gentleman know what that means. It is a place where all the funds of bankrupt estates and receiverships are deposited, and they are designated as depositories by the referee or the judge. They give a bond and the United States is safe, but it is a Federal depository and it is only designated by the district judge. Now, then, the first depository he designated was the Frist National Bank of Coulterville, Ill. The referee, you remember, resided in East St. Louis, and Coulterville is a little country town 100 miles from East St. Louis. He ordered them to send all the deposits away from East St. Louis, which was where the big business was done. Why did he do that?

There is only one explanation. The brother-in-law of Judge English was a large stockholder in that little bank, holding 109 shares and a majority of the stock, and he was the principal officer of the bank. The wife of Judge English had a savings account in that bank and Judge English himself was a stockholder. He was more than that. He was a director.

Wait a moment—that is the smallest thing in this whole bank business.

I think I state the views of the whole committee when I say that Judge Lindley, when he came before us, presented the type of an ideal judge who fully appreciated his exalted position and acted accordingly. In the course of his examination he was asked the following question:

> Mr. MICHENER. Did you ever suggest to any trustee in a bankrupt estate or to a receiver bank in which moneys belonging to the respective estates should be deposited?
>
> Judge LINDLEY. I did not, except only yesterday I had an experience with a receiver. I allowed a receiver in bankruptcy to sell assets as an emergency before the appointment of a trustee. He brought in his report of sale, and I asked him where his money was and he said he had it in the First National Bank of Danville. He asked, "Should I send it away?" I said, "No; you can keep it there, but I asked you because I do not want you to put any money in the Second National Bank, because I happen to have some stock in that bank."

[Applause.]

He is the ideal judge, who, like Cæsar's wife, is above suspicion and keeps himself clean. Standing alone, this act of Judge English might be overlooked as an improper act committed in a thoughtless moment with his home bank in view and that it was his duty to give that bank the preference, but as we proceed in the order of time we shall find that some of the most disgraceful chapters in the judicial career of Judge English was his dealings while judge with the banks and financial institutions of his district.

I want to call attention for a moment to the dealings with the Centralia Bank of Illinois. While Thomas, the referee, resided at East St. Louis, the home of Judge English was at this time at the city of Centralia, Ill., 70 miles distant from East St. Louis. No court was held at Centralia, but most of the terms of the Federal court were held at East St. Louis. Early in 1919 Judge English bought 12 shares of stock of the Merchants State Bank at Centralia, Ill., and became not only a depositor and a stockholder but was elected one of the seven directors of that bank, and he then proceeded to designate this bank a Federal depository of bankruptcy funds. If it was improper for a Federal judge to designate as a depository of bankruptcy funds a bank in which the judge was a depositor

and a stockholder, how much more improper to make such a designation while in addition to all these he was a director.

The record shows that the Federal depositories of bankruptcy funds had usually on hand from $100,000 to $400,000 drawing no interest, and it has been argued before us that by these improper acts of Judge English the banks lost nothing; that the bankrupt estate lost nothing; and that the financial benefits that accrued to the judge were so small that they amounted to nothing worth mentioning. But that is not the thing. It is not the amount of financial benefit the judge received, but it was the improper use of his high office as judge when he placed these Federal depositories under improper obligation to him. Such acts as these on the part of this Federal judge became deplorable and were more worthy of a crook than those of one occupying a high judicial position during good behavior.

We will leave that bank just for a moment. On our first examination there we got that fact out from the bank, and in a little while I am going to tell you something that came out on our next examination.

The SPEAKER pro tempore. The time of the gentleman from Maine has again expired.

Mr. GRAHAM. Mr. Speaker, I yield the gentleman 15 additional minutes.

Mr. HERSEY. As I say, we will leave that bank for the moment. We could not get into that bank's doors at all at first and not until our second examination, and I will tell you what we found a little later on.

On September 28, 1922, an agreement was made by C. B. Thomas, referee, on behalf of himself, Judge English, and Farris English, son of Judge English, with the Drover's National Bank, of East St. Louis, in substance as follows: In consideration that said bank would hire said Farris English as cashier at a salary of $1,500 a year, said Thomas would buy of said bank 40 shares at $80 per share, and Judge English would buy 10 shares at $80 per share, and Farris English would buy 10 shares at $80 per share, and further, that said Thomas would become a depositor in said bank, also said Farris English and said Judge English, and further, that said Judge English for said consideration would make said bank a Government depositary for bankruptcy funds and would greatly increase such deposits from time to time, and then and there said Farris English was made cashier at the salary aforesaid, and said stock was bought and issued to said Thomas, Farris English, and Judge English, and on the 16th day of October, 1922, said Judge English became a depositor in said bank, and on the 10th day of November, 1922, said Judge English made said bank a depository of bankruptcy funds, and said funds were increased from time to time until they amounted to over $100,000, drawing no interest.

Mr. RAGON. What bank was that?

Mr. HERSEY. The Drover's National Bank. There is no question about this and everybody agrees about it. The judge went down there, took $800 out of his pocket, and paid for his son's stock. He paid for his own stock; he became a depositor in the bank, and he made the bank a United States depository of bankruptcy funds. Then he transferred funds from other banks, until there was $100,000 on deposit in the Drover's Bank.

Mr. MORTON D. HULL. Who testified to this agreement?

Mr. HERSEY. Mr. Dooley and English himself, and there was some other man. Mr. Dooley was the cashier of the bank. There is no question about this evidence.

Mr. NELSON of Wisconsin. Does the gentleman mean to say the other gentlemen agree about those facts?

Mr. HERSEY. They went down there and made the agreement and Judge English carried it out to the letter.

The bank did not prosper. After Farris had been there, I think 14 months, he got into a quarrel with the officers of the bank and quit, and shortly afterwards the bank went into the hands of the Comptroller of the Treasury. They made 17 transfers. Do you gentlemen get onto that? He and Judge English and Judge Thomas, to carry out the agreement, made 17 transfers from the Union Trust Co. to the Drovers Bank as soon as Farris was hired. Does that mean anything to you?

This is nothing to the matter of the Union Trust Co. After the Drovers Bank had gone up and the boy was out of a job, English went to the Union Trust Co. You have heard statements here by an officer of the Union Trust Co. and what the judge represented to him. English stated they would make that the sole depository if they would hire his son, and he did that. He became a depositor in that bank. Thomas became a depositor in that bank. Funds were withdrawn from the Drovers National Bank and deposited in the Union Trust Co. until there was $100,000 on deposit there.

Gentlemen, I wish you would go home to-night and read this testimony. Will you make a little memorandum with respect to page 764?

I want to state to you right here that somebody made a trade with the Union Trust Co. that Farris should receive 3 per cent interest on bankruptcy deposits in addition to his salary.

On page 764, page 199 and page 202, Farris English testified. I can just give you the substance of it. He testified he never had any talk with the bank about this matter; never made any trade with the bank; they never told him they would pay him interest on these funds; and that he had nothing to do with it, because he had no control of it. They made no trade with Farris English. The record is conclusive on that point. The bank officials testified they made no trade with him; Thomas says they made no trade with him; and the bank officials say there was no trade made with him; but what does the man who hired him say? Read Mr. Schlafly's testimony on page 207:

Mr. HERSEY. You were paying some interest to Farris. What was it?

Mr. SCHLAFLY. On these bankruptcy funds.

Mr. HERSEY. I know; but he did not own the funds.

Mr. SCHLAFLY. But we treated it as a commission to Farris.

Mr. HERSEY. Because the bankruptcy funds were there?

Mr. SCHLAFLY. Yes, sir.

Mr. HERSEY. These bankruptcy funds were to be kept there by the influence of young Farris, were they?

Mr. SCHLAFLY. Yes, sir.

Mr. HERSEY. What influence did he have to get the bankruptcy funds there or to keep them there?

I can see Schlafly, that shrewd banker, replying—

Mr. SCHLAFLY. Well, his association—his father being Federal judge and the referee in bankruptcy being an appointee under the Federal judge.

Mr. HERSEY. You understood all that, did you, and so did young Farris?

Mr. SCHLAFLY. Yes; sure.

Mr. JONES. Will the gentleman yield just for one question?

Mr. HERSEY. Yes.

Mr. JONES. That is the main thing I am interested in or the one thing I have doubt about. I want to know if there was evidence that Judge English knew about the interest on the bankruptcy deposits or can it be reasonably inferred from other testimony that he should have known it or did know it?

Mr. HERSEY. Perhaps I will answer your question in just a moment.

Mr. SUMNERS of Texas is now asking Mr. Schlafly, an officer of the bank, these questions:

Mr. SUMNERS. How did it happen that in this instance those funds which are, at least in theory, controlled as to the point of deposit by the trustees, seemed to follow Mr. Farris English, starting from your bank and going to the Drovers National Bank, and then back to your bank?

Mr. SCHLAFLY. Do you mean why did they follow Farris English?

Mr. SUMNERS. Yes.

Mr. SCHLAFLY. I presume that would follow as a natural consequence of their stockholdings in the Drovers National Bank. Owing to that influence, that would be the natural result.

Mr. SUMNERS. Farris English was not a trustee for the estates that had those deposits, was he?

Mr. SCHLAFLY. No, sir.

Mr. SUMNERS. What I am trying to get at is this: Since the trustee is supposed to control those funds, how does it happen that Farris English controlled their place of deposit, instead of the trustees?

Mr. SCHLAFLY. I presume it was because he was closely allied with the referee in bankruptcy and the Federal judge.

Mr. SUMNERS. You think that indirectly controlled or directly controlled?

Mr. SCHLAFLY. I think so. I think they would have that interest in their son to influence the accounts to go wherever he was connected.

Mr. SUMNERS. But the trustee is supposed to control that, and I do not quite understand——

Mr. SCHLAFLY (interposing). From my standpoint, that was the natural result. I thought that was the natural result of their being associated with the Drovers National Bank, that they would go up there, and I had no fault to find with their going up there.

That is, from his bank down to the Drovers Bank. The funds have now come back.

When Mr. Hemker, the vice president of the bank, was on the stand I asked him these questions:

Mr. HERSEY. How came you to pay Farris English interest on the bankruptcy funds in that bank?

Mr. HEMKER. Well, we had this conference, as I told you, in December,

Mr. HERSEY. I know you had the conference; but how did you come to pay him the interest?

Mr. HEMKER. We were afraid we were going to lose those deposits. We had just lost a $250,000 deposit.

Mr. HERSEY. If John Smith had come in there and been employed by your bank, being no relation to Judge English or Judge Thomas in any way, and not being connected with them in any way, official or otherwise, and put the proposition up to you that he was an employee in your bank and that he wanted interest on the bankruptcy funds in your bank, would you have considered it at all?

Mr. HEMKER. I do not know that we would.

Then Mr. O'Hare, counsel for Judge English, got a little excited and said:

Mr. O'HARE. You do not understand me. The point I am making is with reference to those commissions Mr. HERSEY mentioned awhile ago. You must have had some reason for thinking that he had some influence, or that he had more influence over the bankruptcy funds than John Smith.

Mr. HEMKER. Well, we took that for granted.

Mr. O'HARE. It was just a supposition; and he did not tell you that he had control of his father or the referee, did he?

Mr. HEMKER. He never said a thing about it.

Mr. O'HARE. He did not give you to understand that he could control them, did he?

Mr. HEMKER. No, sir; he did not.

Edward B. Keshner, another vice president of the Union Trust Co., tells why interest on these bankruptcy funds was paid. Mr. Dennis examined him, as follows:

Mr. DENNIS. Do you know what the salary was that your bank agreed to pay Mr. Farris English when he first began his employment?

Mr. KESHNER. Yes, sir.

Mr. DENNIS. What was it?

Mr. KESHNER. We paid him $175 a month for the first two months. After the 1st of May we paid him $200 a month.

Mr. DENNIS. Did you have anything to do with the increase of his salary?

Mr. KESHNER. No, sir.

Mr. DENNIS. Were you familiar with his fitness, qualifications, and ability as an employee of the bank?

Mr. KESHNER. I think so.

Mr. DENNIS. What do you say as to whether or not $175 a month was a reasonable, ordinary, and customary salary for the kind of services that he was rendering at that time?

Mr. KESHNER. Well, for the work he did there to begin with he was well paid, I will say.

Mr. DENNIS. And when his salary was increased to $200 a month what do you say as to whether or not that was a reasonable, customary, and ordinary salary for the work that he was doing at that time?

Mr. KESHNER. Well, I could not see why it was increased.

Mr. DENNIS. You could not see why it was increased?

Mr. KESHNER. No.

Mr. DENNIS. Do you know whether or not your bank paid Farris English interest on the bankruptcy deposits in that bank at any time?

Mr. KESHNER. Yes, sir.

Mr. DENNIS. When did the bank begin doing that?

Mr. KESHNER. In April, 1924.

Mr. DENNIS. Do you know why the bank began paying Farris English interest on those deposits at that time?

Mr. KESHNER. Well, just before we began paying interest on those deposits Mr. Hemker, who is vice president of the bank and manager of the bond department, had a conference with Judge English and also talked with young Farris English a number of times.

Mr. DENNIS. Where did Mr. Hemker have this conference with Judge English just prior to the beginning of the payment of this interest?

Mr. KESHNER. Judge English would come in the bank numerous times and they would go upstairs, where they had the conference.

Mr. DENNIS. Did they have more than one conference there?

Mr. KESHNER. Yes, sir.

Now are you satisfied? That is on pages 248 and 249 of the record.

Now, we called Mr. Ackerman, the solicitor for the bank who made the contracts. He says that Judge English invited him down to the Federal building. He said he went down. You will find that on page 307. He said:

I went down and visited the judge on his invitation, and he said, "Ed, I want my boy to have a job in your bank. You have been after him a long while and you have been after me. Now, have you got a position there for him? I want him to have a remunerative job, not to start at the bottom." He said, "I want him in a position where he can develop into an executive and learn something about that part of the banking." So I told the judge I would see about it and report back; and while I was there at this time the judge said, "Now, we could not expect to put that boy ahead of somebody else and have him draw the salary that he thinks he ought to have and what I would like for him to have; but there are bankruptcy accounts and things of that kind. We can increase those deposits, and in that way things would be wholly satisfactory both ways."

Now do you want to know what Judge English said about that conversation?

Before I pass to that I want to call your attention to a little more that Mr. Ackerman testified to. Mr. Dennis asked him:

Do you know whether or not those deposits had materially depreciated or become much less after Farris English went into the Drovers National Bank?

Mr. Ackerman said:

I know that they became depreciated.

He was asked:

Did you ever go to see Judge Thomas?

He said yes, and Mr. Dennis asked him about that matter. Mr. Ackerman said:

Not at that time, because I figured, on account of the connection there with Drovers and the Judge and the son in that position, that it would be foolish for me to even think that he should try to do any business with my institution when he had one of his own.

The SPEAKER. The time of the gentleman from Maine has again expired.

Mr. GRAHAM. I yield the gentleman 10 minutes more.

Mr. HERSEY. Now on page 591 is Judge English's explanation of the conversation. Here is Judge English's explanation of the conversation. He goes on about several things, telling about the baby and all that sort of thing, but on the next page, 592, he says:

I would like to give him—

Referring to the boy—

a chance. If you have that, I would be delighted to have him connected up with your institution, but I do not want him to go where his compensation is not sufficient for his maintenance, and neither do I want him to go merely by a place having been made for him. He said, "What about the increase in the deposits in the bank?" That is what he was more interested in than the other matter of employment. I said, "Well, Ed, I have told you that I expected to make your bank the one depository in East St. Louis, and if your deposits do not increase thereby, I will be badly deceived, but do not understand that you are getting my boy with that proposition." That was the conversation that Mr. Ackerman and I had.

Gentlemen, you know the sequel—the boy got more pay than any officer in the bank. He drew down $2,700 from the bankruptcy funds, estimated at 3 per cent, paid him in cash so that nobody could find it out.

Mr. BACHMANN. What did Judge English do after it was brought to his knowledge that the money was paid his son by the way of interest—what did he do in the way of reimbursement?

Mr. HERSEY. There was no reimbursement.

Gentlemen, I want to call your attention in closing to the improper conduct of Judge English in dealing with the Merchants Bank, of Centralia, Ill. Your subcommittee had hearings there for 10 days, and at that time we had the officers of the bank before us. Remember that the son of Judge Thomas had got in as cashier. He was not then a receiver, he had been elevated. Thomas in this bank was a big depositor and stockholder, and Judge English was a depositor and stockholder and director. Thomas's son is in as an officer of the bank.

We knew all that, and when we got home along in the month of July we had to go out to Centralia. I remember that day, how hot it was, and it got hotter when we got to Centralia. There was this little bank—and God knows I pitied him, the old president of the bank, broken down with age and financial trouble. He came before the committee and wanted us to close the doors and not let the evidence be taken in public. He said, "If we let the public know this, we will have a run on the bank, and we can not stand it." We asked him why.

He says that there are $160,000 of bankruptcy funds on deposit there, and that they have been there for a good while. He said that it helped them out and there were other things, the accounts of Judge Thomas and the accounts of Judge English, and they did not want the public to know anything about them and their borrowings. We could not do that. We threw the doors open and we examined the old gentleman. He presented the account of Judge Thomas, showing that away back in 1922 or 1919 Judge Thomas began to borrow money out of that bank, 70 miles away from St. Louis; that he became a

depositor there; that he borrowed up to $20,000 without anything except his note as security, with interest, the president said, below the interest usually charged by the bank. Then Judge English borrowed $2,400 and then $2,400, at 5 per cent when the president of the bank said that they were getting 7 per cent, and finally on up until Judge English had $17,200, without security, I say, on his bare note.

Mr. NEWTON of Minnesota. Mr. Speaker, before the gentleman closes will he tell us about the letter that was sent to Judge Lindley in reference to having the son of Judge English appointed a receiver by Judge Lindley.

Mr. HERSEY. I can not do that; some one else will have to do that. The president of the bank told us about the troubles that they had in trying to get money to keep the bank going. We asked him why he did not call in the loan of Judge Thomas and Judge English. He said he thought he could not get it. He thought maybe Judge Thomas would pay, but he did not consider that Judge English's debt could be collected.

Did you try the same nagging of Judge English?

No, sir. To be honest with you, I did not know whether I could get it out of him or not. I thought I could get it out of the other fellow.

I read now from the testimony on page 816:

Mr. RICHARDSON. I suggested to Mr. Veach that they borrow the money and pay a higher rate of interest. I was perfectly willing to pay 2 per cent on our bankruptcy funds. Mr. Veach says, "You can not do it." The matter was dropped and never discussed from that time to this.

Mr. HERSEY. That was a suggestion to pay to somebody 2 per cent interest on the funds?

Mr. RICHARDSON. I was perfectly willing to do it.

Mr. HERSEY. But if you did not pay interest to anybody and the judge should allow you to keep the funds there, which he did——

Mr. RICHARDSON (interposing). That 5 per cent was going on before that time. That was going on. I did not make the arrangements for that 5 per cent.

Mr. HERSEY. You knew, of course, that you could not legally put on the books of your bank a credit to Judge English for this bankruptcy fund?

Mr. RICHARDSON. I will confess I was ignorant on that point. I thought I was making a perfectly legitimate suggestion when I said I was willing to pay 2 per cent. We are paying the State 3 per cent.

Mr. HERSEY. To whom were you willing to pay that 2 per cent?

Mr. RICHARDSON. I presume it would go to Judge English or Thomas, and they would distribute it where it belongs. That would be my natural idea.

Mr. HERSEY. And if Veach had agreed to that—I do not know whether he did or not——

Mr. RICHARDSON. He did not.

Mr. HERSEY. He did not follow your suggestion?

Mr. RICHARDSON. No; not to my knowledge.

Mr. HERSEY. He did not say anything about that?

Mr. RICHARDSON. He said it was an illegal proposition. That is the first time it occurred to me that it was an illegal proposition.

Mr. HERSEY. You understood Mr. Veach to mean that if you paid 2 per cent to anybody it would appear on the books of the bank?

Mr. RICHARDSON. Naturally.

Mr. HERSEY. And your bank examiner would see it, wouldn't he?

Mr. RICHARDSON. I presume he would, if he was a good examiner.

Members of the committee will recall that when we were at East St. Louis on the first examination, on the third day, Judge English went to that bank and renewed his note for $17,200 while the examination was going on. He kept that a secret from us and from the bank examiner.

I want now to call attention to the last part. The evidence shows that the directors, of which Judge English was one, had been doing this same thing with the bank—borrowing money on their individual notes without security. The capital of the bank was $100,000 and the surplus $50,000; and these directors, with Judge English and Judge Thomas, had borrowed from the bank on their own individual notes, without security, the amount of the surplus and the capital of the bank.

Mr. YATES. And every other director did the same thing?

Mr. HERSEY. If we have to try some other judge, we will try him when we get to that.

Mr. YATES. They all did the same thing.

Mr. HERSEY. Yes; and Judge Archbald did some of these things, and he was convicted in the Senate. On page 830 of the record Mr. CHRISTOPHERSON asked:

How many directors have you in your bank?

Mr. RICHARDSON. Nine. There is a vacancy just at present.

Judge English had resigned when we were there the last time. Reading now from the testimony appearing on that page:

Mr. CHRISTOPHERSON. Is it customary for the directors in your bank to borrow as high as fifteen to seventeen thousand dollars and let it run for four years, the way this note has been running?

Mr. RICHARDSON. Yes. They borrow higher than that.

Mr. CHRISTOPHERSON. And let it run for four years?

Mr. RICHARDSON. They keep paying the interest and renewing and renewing.

Mr. CHRISTOPHERSON. If there are nine directors, that would be approximately the total capital of your bank?

Mr. RICHARDSON. Yes, sir; they have got it. I am here to say, if I was making the laws of this State, I would not permit a director to borrow from his own bank. I do not borrow a dollar from it, and I would not permit it.

We have thus briefly reviewed the six years of Judge English upon the Federal bench. They have been years of improper and unlawful partiality and preferences shown to his political friend, his referee in bankruptcy, years of unlawful, improper, and fraudulent combines and monopolies to control bankrupt estates and to loot trust funds, years of improper conduct and neglect in allowing and permitting the establishing of a bankruptcy ring for the benefit of the friends and relatives of the judge and his referee, years of tryannical and oppressive conduct in the disbarment of attorneys, in the coercion of the press, in the arbitrary abuse of State officials, in threats to State officials and in the improper interference with the rights of a sovereign State, years of using the powers and influence of his judicial office to obtain improper and unlawful favors from the banking institutions of his district, years of deceit in concealing as director from the bank examiners the true condition of banking institutions where he was a director, years of gross improprieties, of vulgar and profane language in court, in public, and on the bench.

Judge English has lost his influence, his judicial dignity and standing. He has lost his usefulness as a judge; he has dragged the judicial ermine in the mire of selfish, malicious, and vindictive conduct. He has disregarded the rights of litigants and the bar. He has lost the confidence and respect of his associates on the bench and the people of his district.

If in this review of these many acts as judge during the last six years we find no improper judicial conduct or misbehavior, then we should at once vindicate him by a report that we find no fault in him; if, on the other hand, he is guilty, then no judge could be more guilty and the honor of the Federal bench and our oaths to support the Constitution of the United States all cry out for his impeachment. [Applause.]

Mr. BOWLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. YATES]. [Applause.]

Mr. GRAHAM. Mr. Speaker, I am going to present an inquiry to the other side as to the question of limiting the time for debate. I think we can arrive at an agreement, if the gentleman from Illinois will excuse me for a moment.

Mr. YATES. Yes, sir.

Mr. BOWLING. My attention was not directed at the beginning of the gentleman's remarks, and I did not hear what he said.

Mr. GRAHAM. I will try to repeat them. My thought was to put a limit upon the time to be consumed in debate. I understood the gentleman had three speakers left, or so I was informed?

Mr. BOWLING. That is correct.

Mr. GRAHAM. And that three hours will be satisfactory to the gentleman, and I will agree to three hours on our side.

Mr. BOWLING. Mr. Speaker, may I ask what is the state of the time now used on each side?

The SPEAKER. The gentleman from Pennsylvania has consumed 26 minutes more than the gentleman from Alabama.

Mr. BOWLING. Mr. Speaker, I think that it would be entirely satisfactory to this side if we would have three hours additional on each side after the conclusion of the remarks of the gentleman from Illinois, who has 30 minutes.

Mr. DOMINICK. Reserving the right to object——

Mr. GRAHAM. I ask unanimous consent that debate close in six hours after the conclusion of the speech of the gentleman from Illinois [Mr. YATES].

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that at the conclusion of the remarks of the gentleman from Illinois that further debate shall be limited to six hours, one-half to be controlled by the gentleman from Pennsylvania and one-half by the gentleman from Alabama. Is there objection?

Mr. DOMINICK. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Pennsylvania as to the division of time that is to be controlled and to know what time, if any, is alloted to me of that time?

Mr. GRAHAM. I would like in return, instead of answering, to inquire how much time will the gentleman from South Carolina ask for?

Mr. DOMINICK. I would like to have anywhere from 30 to 45 minutes.

Mr. GRAHAM. I could not possibly——

Mr. DOMINICK. The reason I ask is that debate has been——

Mr. GRAHAM. There are six members of the committee who have asked to be heard.

Mr. DOMINICK. I happen to be a member of the committee also.

Mr. GRAHAM. I know that. I had the gentleman in mind as one who would ask for time, but I did not think the gentleman would ask for 30 minutes.

Mr. DOMINICK. The only reason I bring up this matter, under the reservation of the right to object, is that other members of the subcommittee who have heard this case have had time, and practically unlimited time, and if we who are not on the subcommittee agree to limit the time at this time to three hours I am satisfied, from what I know of the arguments to be presented by members of the subcommittee who have not yet addressed the House, that those of us who are not on that subcommittee, but have given some thought and study to this matter and expected to give their views to the House, will be crowded out. I can not consent and will not consent at this time to any limitation of debate to be made unless I am assured by the chairman that I shall have anywhere from 30 to 45 minutes. I think that is a very reasonable request, because during this entire Congress, except in one or two interruptions here, I have not used up one minute of the time of this House in debate.

Mr. NELSON of Wisconsin. Mr. Speaker, I suggest to the gentleman, in view of the importance of this case and the state of doubt of many of us who desire to hear the case, and in view of the fact that our friend from Iowa objected to unanimous consent for extension in the RECORD of remarks of gentlemen of the committee, I hope the gentleman will be more liberal than suggested.

Mr. GRAHAM. I want the gentlemen who sat on the subcommittee and saw the witnesses face to face, and heard their testimony, all to be heard. I was anxious for them to be heard. Now, will not my friend from Alabama agree to extend the time on our side half an hour?

Mr. BOWLING. I do not think the calendar is crowded, and I do not know there is any real necessity for doing that. I made the very fair suggestion that debate go along until the time came when we could see the end without fixing the time. When the inquiry was directed to me by the chairman of the Committee on the Judiciary, we had gotten to the point where I knew how much time we would consume here, and for that reason I stated that three hours would be satisfactory to me. If the gentleman wants three and a half hours, I will agree to that, as we will get an extra half hour.

The SPEAKER. The Chair will put the question as he understands it. The gentleman from Pennsylvania [Mr. GRAHAM] asks unanimous consent that, beginning one-half hour from now, the debate shall continue for not more than six and one-half hours, three and a quarter hours to be controlled by the gentleman from Pennsylvania and three and a quarter hours by the gentleman from Alabama [Mr. BOWLING]. Is there objection.

Mr. DOMINICK. Reserving the right to object, Mr. Speaker, I want to inquire if that includes 45 minutes for myself?

Mr. GRAHAM. Not 45 minutes.

Mr. DOMINICK. If that does not include me, I shall object.

Mr. GRAHAM. How much would be satisfactory to the gentleman? Would 30 minutes be agreeable to the gentleman?

Mr. DOMINICK. If I am assured of 30 minutes, I shall not object.

Mr. BANKHEAD. Mr. Speaker, is it the intention of the gentleman from Pennsylvania to ask unanimous consent that the House meet at 11 o'clock to-morrow?

Mr. BOWLING. As I understood the request, it differed somewhat as it was put from the understanding I had in the colloquy with the chairman of the committee. I understood him to ask for seven hours, and the Speaker put the request for six hours and a half.

Mr. GRAHAM. I accept the suggestion of seven hours. That time is to be divided equally. It brings us up equally.

Mr. DOMINICK. And I shall have half an hour?

Mr. GRAHAM. I will give up my time if necessary.

Mr. Speaker, I ask unanimous consent that the debate close in seven hours and a half, including the half hour that Governor YATES is to occupy. I ask unanimous consent, Mr. Speaker, that the debate be limited to seven hours and a half, of which half an hour shall be consumed by Governor YATES, the other seven hours to be divided equally between the two sides, to be controlled by the gentleman from Alabama [Mr. BOWLING] and myself.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the debate shall be concluded at the end of seven and a half hours, including one-half hour to be consumed by the gentleman from Illinois [Mr. YATES], the remainder of the seven hours to be equally divided, and to be under the control of the gentleman from Alabama [Mr. BOWLING] and the gentleman from Pennsylvania.

Mr. MOORE of Virginia. Reserving the right to object, Mr. Speaker, does that carry with it the understanding that the House shall meet at 11 o'clock to-morrow? My reason for making that inquiry is that I know certain committee meetings have been arranged for to-morrow, to begin at 10 o'clock or a little after 10 o'clock, and some of the witnesses come from a distance, and the hearings will have to be suspended or shortened if we meet here at 11 o'clock. The condition of business in the House is such now that there is no need to hurry. Many measures have been sent to the Senate that have to be passed upon there. The House is almost marking time now except for this particular business. There should be an understanding that the House will not meet at 11 o'clock to-morrow if the arrangement of the extension of the debate is approved.

Mr. GRAHAM. I think that all other matters ought to be subordinated to the question now before the House; and while it may be attended with personal inconvenience, perhaps, to some, nevertheless I think we should go on. The Committee on the Judiciary has invited people to appear to-morrow, but we will adjourn them if the House meets at 11 o'clock. While this matter is being thrashed out, and Members shall have memory of what has been said, I think we ought to press on to a conclusion. I do not want to cut it short and keep any expression of opinion that would be helpful from coming to the House. I want a just opportunity to be allowed to the whole membership.

Mr. MOORE of Virginia. Of course, that is the attitude of all the Members of the House. But here is a very important proceeding—a great trial, so to speak—in progress. The gentleman knows that trials far less important than this have sometimes run for weeks and more, and nobody has complained. If we were rushed with business here at this time, I would not make the suggestion that I now take the liberty to submit.

Mr. GRAHAM. Of course, the gentleman can object to my request for unanimous consent, but I hope the gentleman will not do it.

Mr. MOORE of Virginia. I give notice now that I shall resist any effort to provide for meeting at 11 o'clock to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. YATES] is recognized for 30 minutes.

Mr. YATES. Mr. Speaker and gentlemen of the House, there is a passage somewhere in the Book of Job that reads substantially as follows:

> He paweth in the valley. He snorteth, and the sound of his snorting is terrible. He paweth up the young grass, and amid the trumpets he sniffeth the battle from afar, and saith, "Aha! Aha!"

[Laughter.]

It is customary here when we talk about one another on this floor to say, "I have the highest regard for and, indeed, I love everybody that I am talking against." [Laughter.] But I assure the gentleman from Missouri [Mr. HAWES] and the gentleman from Texas [Mr. SUMNERS] and the gentleman from Arkansas [Mr. TILLMAN], and particularly the gentleman from Maine, Judge HERSEY, that I would rather put my hand in the fire than manifest an unkind attitude toward any of them. Since I have named Judge HERSEY I should perhaps say that there is an abiding affection on both sides between him and me, for we have sat for many years side by side in the committee. But what I am driving at is, it does seem to me that a great many of us have become unduly excited in reference to this case. Some Members have been acting here like prosecutors; more like prosecutors than like Members of the House who, under their oath, are to say whether or not there are to be articles of impeachment sent from this House over to the Senate of the United States.

I want in the few moments that I shall occupy to do all I can to speak in a less excited way and with that calmness which it seems to me we ought all to cultivate at this hour.

I would like to have every gentleman turn to the report on page 39. If you have the report of the majority and minority here, will you please turn to page 39? These few sentences comprise substantially or are a synopsis of about all I feel like saying:

To my great regret I find myself unable to agree with my colleagues who constitute the majority of the Committee on the Judiciary in the case of George W. English, judge of the United States Court for the Eastern District of Illinois. It is sought to impeach this officer of high crimes and misdemeanors. It is well settled, as all must concede, that an official can not be impeached on general principles, or simply because it is charged he is unfit, or because of the accumulation of acts of misconduct, which do not themselves, individually and separately, constitute high crimes or misdemeanors. I have studied this record thoroughly, have read and reread every word of the testimony and of the briefs, and have listened attentively to the arguments of counsel and the opinions presented by the members of the committee. Upon the whole record I can not satisfy myself that this judge has been proven guilty of such acts as would justify the House of Representatives, in preparing articles of impeachment and in appointing managers upon the part of the House, to prosecute those articles before and in the Senate. Believing profoundly, as I do, that this extraordinary proceeding should be invoked only in cases of extreme gravity, and that it is a proceeding of such supreme solemnity that it ought not to be begun without proof before this House sufficient to command the attention and concurrence of the Senate, I propose to vote "No," and so can not vote for the majority committee report.

I say this without intending to cast any reflection upon the distinguished and industrious and conscientious subcommittee, and without any admiration for the mistakes of the judge.

My friend from Missouri [Mr. HAWES], of St. Louis, this morning referred to this last statement of mine. I do not take back one word of it. I think this judge made mistakes. I do not want anybody in my State or anywhere else to think I admire those mistakes. But it is not the first time that in trying to be courteous to the other side, or in trying to yield a little bit of courtesy, I have had what I have said distorted into some expression injurious to my side. But I would despise myself if I were not to admit that there were mistakes in the official conduct of this judge of the United States of America, and those mistakes I do not praise and I do not admire them.

I have said enough, I hope, in these few sentences to give you some comprehension and conception of what I believe the situation ought to be before we send managers on the part of the House to knock at the door of the Senate and say, "We present articles of impeachment," as "the grand inquest of the Nation."

I was a very little fellow, just about 8 years of age, at the time of the impeachment of Andrew Johnson. If you will pardon a personal statement, my father was a Senator at that time and filed an opinion in that case. Of course, the first books I ever read, as soon as I became able to read, were books relating to the trial of Andrew Johnson and everything about it. And, by the way, I just happen to have—but this is not especially an argumentative piece of testimony—just a little old card, which was my card as I sat, a boy, in the gallery beside my mother and saw the whole impeachment trial of Andrew Johnson. This card reads as follows:

U. S. SENATE.

Impeachment of the President. Admit the bearer. April 14th, 1868. Gallery.

GEO. T. BROWN,
Sergeant at Arms.

Of course, I do not insist that I knew all that it involved; of course, I do not insist for a moment that I fully comprehended it, but in that mighty day, and it was a mighty day, and before that mighty Senate, and it was a mighty Senate, there was presented a conception of a court of impeachment—the Chief Justice presiding in his robes; every Senator under oath; every day the double doors opening and the committee of seven managers upon the part of the House advancing—Boutwell, Bingham, Butler, Logan, Williams, and others. Once in a while a sweet voice next to me—my mother's—would say, "If you will lean forward a little, my son, I will show you a great man." O Charles Sumner, of Massachusetts; Henry Wilson, of Massachusetts; Reverdy Johnson, of Maryland; Ben Wade and John Sherman, of Ohio; Fessenden and Morrill; Roscoe Conkling and Morgan, of New York; Morton and Hendricks, of Indiana; and Trumbull and Yates, of Illinois.

I repeat that in that mighty day I got a conception of what a United States Senator ought to be and of what an impeachment trial ought to be. Thank God it has never departed from me, and may my tongue cleave to the roof of my mouth before I will be a party to anything looking toward a sentence of death—for that is what it means in the case of this judge—unless I am convinced that when that mighty court meets at the other end of this Capitol they can see in it something at least approaching testimony. [Applause.]

I tell you now, gentlemen, after 20 years in public office, a part of it as a judge, during which I had the honor of holding court in Chicago and trying hundreds and hundreds of cases, that I believe that when the evidence that is produced here is presented to the Senate the Senate will make a hole in it big enough to swallow a trolley car. [Applause.]

I am afraid I am "pawing in the valley" myself. [Laughter.]

I want to say just a few scattered things. In the first place, I solicit your sympathy and I solicit your most respectful consideration, and I am sure in due time it will be admiration, for the gentlemen who are going to speak and who have spoken here for the minority report—Judge Hickey, of Indiana; Judge Weaver, of North Carolina; and Judge Bowling, of Alabama. These men had no time to prepare. But the majority have had a year. This case was started a year ago by the Post-Dispatch, of St. Louis, and brought here by the gentleman from Missouri [Mr. HAWES]. A committee of seven went out to East St. Louis and heard what you and I have not heard. They heard the witnesses. We have, by the hardest kind of work, had to dig out of that testimony what the seven members of that committee knew by virtue of looking into the eyes of the witnesses, and of the judge himself. Not speaking for myself but for these other three gentlemen, I say they have done the best they could, and in spite of all the experience I have had I want to say I never saw more wonderful work than these three men have done in behalf of the minority in this case.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. YATES. You may, sir, at any time.

Mr. MOORE of Virginia. The Senate would certainly wish to have Mr. Thomas as one of the witnesses. Does the gentleman know why the committee which went to St. Louis did not call Mr. Thomas?

Mr. YATES. All I know is what I find in the record. On page 800, at the bottom of the page, Mr. MICHENER said:

Mr. MICHENER. Mr. Chairman, I would like to ask counsel on either side a question. Mr. Dennis, as attorney representing the proponents of these charges, do you desire to call Mr. C. B. Thomas as a witness?

Then Mr. Dennis, the attorney of the Post-Dispatch, as I understand, said:

The reason why I do not is that I understand, in view of the investigation that we have learned has taken place, that we would be endangering, probably, the Government's cause, if it has a cause, against C. B. Thomas. For that reason I have refrained from calling Mr. Thomas. He could volunteer if he wanted to.

Then Mr. MICHENER, with a commendable desire to get at the truth, said:

Counsel for Judge English, do you desire to call Judge Thomas at this time?

Mr. O'HARE. No, sir.

Then Mr. MICHENER said:

Mr. Chairman, I move that the committee extend to Judge Thomas the privilege of appearing before this committee. I think it is highly important that Judge Thomas, who seems to be the center around which things function here——

Mr. ACTON (interposing). He is not here, Congressman, so far as I can see.

Mr. MICHENER. He has been here all along this afternoon.

Mr. O'HARE. I have not seen him to-day. I saw him about the middle of the afternoon yesterday. That is the last I have seen of him.

That is the only explanation I can give. Neither side wanted him.

Mr. MOORE of Virginia. The Senate would certainly wish to know what is the reputation of Judge English and of Mr. Thomas among the people with whom they have lived and worked. Is there any adequate testimony on that subject in this record?

Mr. YATES. I would say not. I think the gentleman is absolutely right about it.

Mr. MOORE of Virginia. I am asking these questions for the reason I am doubtful as to how I should vote. Personally I would much prefer to return the case to the committee in order that we may have a more complete record.

Mr. YATES. I hope that motion to recommit this matter to the committee will be made. I will say to the gentleman, in the language of another, that "the bottom dropped out of this case" when this man Thomas was not called. He knew a great many things, and now we are left in the dark, almost—except those who know him personally—as to his character, and so forth.

Mr. GRAHAM. Will the gentleman yield?

Mr. YATES. I will, sir.

Mr. GRAHAM. I wish to speak in answer to the suggestion made by the gentleman from Virginia, and I will be very brief. I only want to say that you can not attack a man's character until he puts it in evidence himself. That is a matter for the Senate to consider when the case comes there. This is simply a presentment of charges that have been found by the investigating committee and are to be forwarded to the Senate for trial.

Mr. YATES. I think right now the first witness the Senate would send for would be Thomas.

Mr. MOORE of Virginia. I may say to the gentleman from Pennsylvania that I desire to vote right, but that I do not care to pillory a man if the evidence presented to us is such that we can not reasonably believe the Senate will find him guilty.

Mr. BLANTON. I would like to ask the gentleman one brief question. Is it not a fact that the character of this judge has been in issue all the time? It is a question of character and it is an issue of character, is it not?

Mr. YATES. Indirectly.

Mr. BLANTON. Certainly it is.

Mr. GRAHAM. I beg the gentleman's pardon, it is a question of conduct on the bench.

Mr. BLANTON. And character and characteristics as well.

Mr. YATES. Mr. Speaker, I want to continue my little statement.

Mr. HERSEY. Will the gentleman yield to his colleague on the committee for a short question?

Mr. YATES. Yes; for a brief question.

Mr. HERSEY. If Judge Thomas could have helped the case of Judge English, would not his attorneys representing him at St. Louis have called him?

Mr. YATES. I do not know. That is not the question. The question is why we have not that testimony here in some form. The question is not what they did. We have nothing to do with any mistakes of counsel.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. YATES. Yes; and this is the last time.

Mr. COOPER of Wisconsin. Importance is sought to be attached by the gentleman from Virginia and, I infer, by the gentleman from Illinois now addressing the House to the absence of Judge Thomas as a witness. Judge Thomas would know nothing whatever about the disbarment of Mr. Webb; he could know nothing about the disbarment of Mr. Karch; he could know nothing about the scoldings in open court and the vile epithets applied to the three State attorneys and the sheriffs.

Mr. YATES. I do not hear the gentleman. I just want to say for all who are in the minority with me in this case a few words of comfort from one of the opinions, the opinion of my father, in the old case of Andrew Johnson:

> Nor do I think it a crime to vote in a minority of one against the world when I have taken an oath to decide a case according to the law and the testimony. I would patiently listen to my constituents and be willing, perhaps anxious, to be convinced by them; yet no popular clamor, no fear of punishment or hope of reward should seduce me from deciding according to the conviction of my conscience and my judgment.

I suppose this feeling abides in the heart of every single, solitary man here, but I bring it in at this time because the situation is such that with the tremendous preparation made by the prosecution in this case and the short time which the minority have had to prepare, for that reason or for some other reasons it would seem to be almost an impeachable thing for a man to stand up here for the minority in this matter.

Just one word as to just who is the prosecutor in this case. The prosecutor in this case is not the bar association of East St. Louis. Where is the bar association of St. Clair County, Ill.? Where is the State bar association? I belong to the State bar association, and inasmuch as I am Congressman at large representing the whole State, this territory is every inch of it in my district. I know substantially all of these men. I would like to know, if anyone can tell me, of one single bar association in the State of Illinois, State bar association, district bar association, or county bar association, that has uttered one word of complaint against this man. There has not been a single one.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. YATES. Yes, sir.

Mr. NEWTON of Minnesota. Does it not occur to the gentleman it would be quite embarrassing for a member of the bar to appear in an impeachment proceeding?

Mr. YATES. No, sir. If you were sought to be impeached in your State, there would be one bar association after another come to your rescue; and if it were the other way—well, I am friend enough of the gentleman to believe that no bar association whatever would attack him, but this was the tribunal, the bar association.

Somebody must have been terribly shocked. Somebody must have been profoundly impressed with guilt when not one bar association in all of the 45 in this district appeared! This is a peculiar district. It begins at East St. Louis and runs to the home of Uncle Joe Cannon in Danville. In the entire 45 counties nobody finds any fault except the St. Louis Post-Dispatch; not the St. Louis Globe-Democrat and not the St. Louis Times and not any other paper there, only the St. Louis Post-Dispatch.

Now, I for one am against government by newspapers [applause], and I am against prosecution carried out by newspapers. And then, to cap the climax, my friend from Missouri, HARRY HAWES, says he is shocked by this thing. Ye gods and little fishes! HARRY HAWES shocked! [Laughter and applause.]

I was so disturbed by this long and exciting debate and whether I should have 3 hours and 45 minutes in which to speak that I am afraid that I have forgotten the most of my speech. But I have one more thing that I want to add. I can tell you, Judge MOORE, about the conduct of these men. I can not tell you the reputation of this man, but I can tell you where to go to find out whether this man is a good man or not. I can tell any of you who want to know. There is a telegraph office in this Capitol. You can get an answer to a telegram in two hours. You send a telegram to the Rev. John M. Pepper, Baptist minister, president of the Ministerial Alliance in East St. Louis, and you will get an answer in two hours as to the conduct of Judge English and whether it has been satisfactory to the ministers of East St. Louis. This man is a Baptist minister. If you do not want to do that you can send a telegram to Robert Morris, pastor of the Methodist Episcopal Church of East St. Louis, and you will get an answer in two hours. These men are both well posted and loyal men of St. Louis.

Mr. BLACK of New York. Will the gentleman send a telegram to Judge Thomas asking him if he would come and testify for Judge English?

Mr. YATES. Oh, I could not assume the burden of such a proposition. I do not know exactly what the gentleman means.

Mr. BLACK of New York. If there was a commission to take evidence again, would you bring Judge Thomas on to testify?

Mr. YATES. I do not know. I would try. I suppose the process of this House would bring him.

Mr. CRISP. The process of the House would bring him here.

Mr. YATES. Yes. Mr. Speaker, I yield back the balance of my time.

Mr. GRAHAM. Mr. Speaker, I yield 30 minutes to the gentleman from South Carolina [Mr. DOMINICK].

Mr. DOMINICK. Mr. Speaker, my colleagues of the minority have agreed to allow me 10 minutes additional.

Mr. BOWLING. I yield to the gentleman 10 minutes.

The SPEAKER. The gentleman is recognized for 40 minutes.

Mr. DOMINICK. Mr. Speaker and gentlemen of the House, during the time that I have been at the bar seldom has it been that I have appeared in the rôle of prosecutor or quasi prosecutor. Therefore it is a little unfamiliar rôle for me to appear in at this time. But I am one of those that, when I give thought and study to a situation which comes before me in my personal or professional or official capacity, I try to reach the proper conclusion in the matter, and when that conclusion has been reached to voice my conviction by speech and by vote.

In this case that we have before us there is a voluminous record of something like 1,100 pages. During the two days' debate we have had there has been a lot said that has no place in the case. Many smoke screens have been thrown out, I will not say intentionally, to confuse the issue but to draw our minds and attention from the real, true facts and issues that

appear in the case after you have given it some thought and study.

I was not on the subcommittee that made the investigation, consequently I have not seen the witnesses and have not had an opportunity to judge them by direct contact. I will say that I have not even read every word of this record, although I have read the most of it, and enough of it to convince me by the testimony of Judge English himself that he should be impeached, and that these articles of impeachment should be sent to the Senate.

Now, in the beginning we should get one thing clear in our minds. We should remember the fact that this proceeding is not brought solely and only under the impeachment section of the Constitution. That section provides that all civil officers shall be liable to impeachment for high crimes and misdemeanors, but when it comes to the judiciary you have the additional provision in the Constitution that judges shall hold their office during good behavior. That expression in the Constitution means that the converse is true; that a judge shall be deprived of his office on account of misbehavior.

Those of you who have read this record, those of you who have studied it, those of the minority who have attacked it and say that a case has not been made out against Judge English, all should keep in mind the fact that if this case goes to the Senate, the Senate of the United States will not try the case on the record as printed here, but will have the witnesses before them face to face, and can see them and cross-examine them at first hand, and will try the entire case right from the beginning.

The case is so voluminous that in my limited time I can not attempt to cover everything. I shall try to hit some of the high places and give you my views on some of the matters that to my mind are absolutely impelling and controlling in the case. Some say that they will not vote to impeach unless they are satisfied that they can convict. I believe that if you read the testimony you will be satisfied that you can convict, notwithstanding the fact that we are not sitting here as a trial court. It has been suggested from time immemorial that the House when sitting in a matter of this kind is sitting as a grand jury, and all that is necessary is to show probable cause of guilt. To a certain extent we are sitting as a grand jury, to a certain extent we are investigating as a grand jury, and to a certain extent the rules governing the actions and proceedings of a grand jury do prevail; but there is this difference, and it is a very important one: The accused in this case has the right to go before your committee with his counsel and witnesses and make his defense, and in the consideration of the case you not only consider the side of the Government but you also take into consideration and weigh the testimony that has been offered by the accused. In a body which contains so many lawyers, and men who are so conversant with affairs that they know what the character of a Federal judge should be, it is unnecessary perhaps for me to enlarge upon what it should be. He should be learned in the law. He should be of judicial temperament, and, above all, he should be honest. He should be a man of character; a man fair, impartial, unprejudiced in his rulings and dealings; a man of incorruptible integrity, one who should not only command but inspire respect for himself and the high position that he occupies.

We have had several impeachment trials. The most recent one was the Archbald case. It is not my purpose to launch into a discussion of the law, but I say that the Senate of the United States established a precedent in that case which applies to this case when it was held that a general course of misbehavior embracing a series of acts subversive of judicial probity or propriety, chiefly because of the persistency with which they are committed, is ground for impeachment.

Chief Justice Taft, in an address before the American Bar Association in 1913, is quoted as saying of the Archbald case and trial that it was a "liberal interpretation of the term 'high crimes and misdemeanors,'" and that it was "most useful in demonstrating to all incumbents of the Federal bench that they must be careful in their conduct outside of court as well as in the court itself, and that they must not use the prestige of their official position, directly or indirectly, to secure personal benefit."

We must get out of our mind the idea that appears to be in some people's minds that the words "high crimes and misdemeanors" mean an indictable offense. They do not. A crime may be committed by a judge against society, against good morals, against the bench itself, which in no sense or manner could be construed as an indictable offense.

The first charge brought up in respect to Judge English is that of Thomas M. Webb and his disbarment. A great smoke screen has been attempted to be thrown about that affair. Practically every Member of the House who has appeared in this matter in behalf of Judge English has dwelt upon Johnny Gardner's criminal record and compared him even to Gerald Chapman and talked about what a high crime it was to get such a "gentleman" out of jail.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. DOMINICK. Yes.

Mr. CHINDBLOM. I would like to get the attitude of the gentleman and of the committee, if I can, upon this question. The distinguished gentleman from Texas [Mr. SUMNERS] laid down the proposition, as I understood it, that in order to grasp this case we had to have the entire picture, as he put it.

Mr. DOMINICK. I am not trying to paint a picture. In these days of trick photography almost anything can be made in a picture. I propose to give something here from the record.

Mr. CHINDBLOM. The gentleman misunderstands me. I did not mean to criticize the language used, but what I want to ask is whether in the opinion of the gentleman we, sitting here, the other Members of the House who are not members of the Committee on the Judiciary, necessarily must take the entire case all of the articles of impeachment or whether any single one of the articles of impeachment or any single one of the things complained of in the opinion of the committee or of the gentleman is sufficient to warrant us in approving the action of the committee.

Mr. DOMINICK. The gentleman from Illinois [Mr. CHINDBLOM] saw the difficulty I had in getting the small amount of time allotted to me. It is impossible to cover the entire case in the time granted me, and I can touch it in only a few places. As I say, Mr. Speaker, gentlemen have tried to excuse the conduct of Judge English on account of the criminal record of Johnny Gardner. I propose to show in my remarks by the testimony of Judge English or by uncontradicted testimony in the record that he should be impeached. This man Gardner was tried in a Federal court. Because a witness for the Government went back upon it in testifying, the judge who tried the case, who was Judge English, was forced to order a verdict of not guilty. He turned the prisoner over to the marshal, saying that he had requests from up State to hold him for violation of some State laws.

The marshal turned him over to the State sheriff, the jailer, or the chief of police, whichever the case might be. He was there in jail for four or five days, when, at the request of a friend of the criminal, Mr. Webb was called upon to go to the jail and sue out a writ of habeas corpus. I do not care how vile a criminal "Dressed-up Johnny" was. I do not care if he was guilty as the very gates of hell; it makes no difference how guilty a man is, he has certain constitutional rights, and one of them is that he shall not be deprived of his liberty without due process of law, and another is that when he is brought before the bar of justice he shall receive a fair, an impartial, and a legal trial, and be represented by counsel.

Nay, gentlemen, no matter if that vile criminal may be friendless, no matter if he be penniless, it is the proud boast of the American bar that when anyone is charged with a crime and is brought before the court he is entitled to counsel, and if he is not able to pay a fee he is assigned counsel to see that he has a legal trial. So the character of the criminal record of John Gardiner, or "Dressed-up Johnny," has nothing to do with this case. Mr. Webb tells us he went down there. His testimony is not contradicted. He went down there and he finds out from the chief of police that the chief of police had gone at the request of the marshal up to the Federal courthouse and had brought this man down there without commitment, and he was there held four or five days under investigation of charges or supposed charges from up State for the alleged violation of some State, not Federal, law, and Mr. Webb did, as he or any other attorney had a right to do, went to the State court, sued out his writ, and it was discovered that they had no right to hold him, and he was discharged.

It makes no difference that he afterwards got in trouble. Webb was doing nothing wrong under his oath as a lawyer. But what did Judge English do? He called him into court, the man whom Judge English said had an enviable record at the bar, a man that his attorney, Mr. Bruce A. Campbell, said before the Judiciary Committee had an enviable record at the bar, and further that the question of his ability, the question of his integrity was not an issue in this case. He called him there and told that man, told that lawyer, that he understood that he got this man out of jail, and he said further, these are his own words, in substance:

> I have no inclination to hear you at this time, and I do not propose to hear you. Go and sit down and reflect over this matter. You can write out what you have to say, and then when you have written it out I want you to sit down in your moments of reflection and think of the honorable record you have had in getting to your position of

prominence at the bar, and until that is done, until you submit that in writing to my clerk here, and it is verified by myself, you stand suspended—

Mr. Webb says "disbarred"—

until I verify your return.

The question of suspension or disbarment, that is tweedle dee and tweedle dum. The fact is that that man for several weeks or possibly for several months was deprived of practice in his court.

Now, as to Karch. I hold no brief for Karch. I do not know what kind of man he is. He may be one of the biggest crooks and shysters in seven States, but I know what the record shows, and it is not disputed. The record shows that he was appointed United States district attorney by the President of the United States. It shows that he was confirmed by the Senate, and it shows that he was in full and active practice at East St. Louis.

And what did Judge English do? Because Karch insisted upon his constitutional right in having entered in the record and on the record his demand for a jury trial, which he had the right to do and which he should have done as an attorney, Judge English then after a while sees things that nobody else has seen and proceeds to go to work and call Mr. Karch up, claiming that he was scowling and looking at him from under his eyes. He called him back as he was about to leave and said:

I want to tell you hereafter we meet as man to man.

As the gentleman from Texas said on yesterday, what man is there with a drop of red blood in him who would not have done as Karch did and turned to him and said:

Why do not you begin now?

Then he called him up and disbarred him and kept him disbarred. Do I say 12 months? Nay, gentlemen, from that day to this hour, notwithstanding the fact that Karch is nominally restored to membership of that bar, Judge English—that paragon of virtue he has been painted here, that great temperamental judge, that man of great judicial temperament—will not allow him to practice in his court, and he holds most of the court at East St. Louis.

He tries to excuse himself. He says Karch had a pistol. The testimony is that it was a hot August day, and that Karch was dressed in one of these light, flimsy, blue-serge suits, in which it was impossible to conceal a gun from anybody. Judge English is the only man who says he saw that gun; and I submit, gentlemen of the House, that, in addition to the other crimes and misdemeanors which are charged against George W. English in this same hearing, he has committed the crime of perjury in this hearing, and I say it advisedly. George W. English is the only man who testified to a gun being seen. In the course of the effort of Karch to be reinstated at the bar Judge English appoints a committee to investigate the matter. That committee has been referred to. And whom did he appoint? He appointed a Mr. Baxter, who seemed to be a very prominent lawyer, and I think had been president of the Illinois State Bar Association.

The next man that he appointed was his great and bosom friend, Judge C. B. Thomas. The next man that he appointed was Mr. Edward C. Kramer, who, after testifying as a witness in the hearings, became one of Judge English's attorneys and whose name heads the list of counsel on the brief which has been filed before your Judiciary Committee in the argument made on this case on the part of counsel for Judge English

Now, this committee met. They filed a report, and here is what Judge Kramer says, and upon his statement I base my charge of perjury against Judge English. Judge Kramer, in being examined about the report and how they made their investigations, says on page 174 of the record—

We interrogated Mr. Karch—

That was in answer to a question by the gentleman from Texas [Mr. SUMNERS]—

Did your committee recommend the retention at the bar of the court of the man who threatened the judge on the bench with a six-shooter?

Here is what Mr. Kramer said, and I will be glad if you will listen to it closely:

Mr. KRAMER. We interrogated Mr. Karch about that—I did—and Mr. Karch assured me he had no gun; that they were mistaken about it; that he never carried a gun in his life; and after discussing that matter we were inclined to believe that Mr. Karch did not have a gun at that time; that he had not threatened him—I don't know—that he did not intend to threaten the judge with a gun, but that he and Mr. Moran were laughing somewhat together, from the best information that we could get, and that they were doing so because of some remarks that Judge English had made to them about demanding jury trials in all these cases.

That is the conclusion that was reached by the committee of lawyer friends of Judge English himself, where they say they found nothing threatening and no evidence of any gun; and nothing like that was put in the report, which Judge English claimed was pigeonholed, and which he claims he never received.

Now, let us go a little further. Let us talk about some of these bank deposits. This was a pretty big proposition that they had out there. They had the judgeship, they had the bankruptcy proposition, and it seems they had the ear of the court on the chancery side in the appointment of receivers. Now, they got started, but it seems were not making quite money enough, and started out in the banking business, using the manner of purchasing stock in banks and using the bankruptcy funds in order to get favors. They first bought stock in the Drovers' National Bank. As a consideration for the buying of that stock, Farris English was put into that bank, and immediately a great flow of bankruptcy funds went into that bank.

Farris English was very proud, it seemed. He had held a $75-a-month clerkship down here in the Riggs Bank, while his father was in the income-tax department of the Treasury, and he thought, inasmuch as he had a $75-per-month position down here, that he ought to have a higher position in the Drovers' Bank, and consequently he became dissatisfied and left.

What was the next step? Thirty days afterwards we find Farris English installed in the Union Bank & Trust Co., and how did he get there? Did Judge English go to the executive officers of that bank or send Farris English there in order to get him a position? No, gentlemen of the House; he went to the man whom he knew could fix things; he went to a man named Ackerman, a man who at that time did not even have a desk in the bank, much less being an officer of the bank, his sole business being a street runner, soliciting deposits. He immediately gets in touch with Judge English to get those deposits. They have a talk about it, and Judge English said, "Well, come up to the office and we will talk about it." Ackerman went up there. Judge English admits that what Ackerman said is true. On page 591 Judge English says:

Well, we had several conversations, as testified to by him.

Meaning Ackerman. Then he goes on and admits it. Here is what he, Judge English, has to say:

He said, "You know I would like to get him connected up with us here." I said, "I will be delighted to have him connected there; and if you will come up, I will talk to you about the matter." He came up to my chambers either that day—I think it was on that day. I recall that I said to him this: "I have in mind to have only one depository in East St. Louis, and your bank is now one of the depositories and was the first one created in East St. Louis. You have a good personal bond, and it is not costing you anything, and I would like to have you people have the funds down there and have my boy connected with your institution. You are a strong institution, and you have a man at the head of it who is known all over this country as one of the best bankers in the community or in the country. If you have a place for him, I would like for him to become connected, because he wants to become an executive. He has had an experience that few young men of his age have had in training as a banker. He has been 13 or 14 months in the Riggs National Bank at Washington, D. C."

Then Judge English admits that Mr. Ackerman said later on, on page 592:

He said, "What about the increase in the deposits in the bank?" That is what he was more interested in than the other matter of employment. I said, "Well, Ed, I have told you that I expected to make your bank the one depository in East St. Louis, and if your deposits do not increase thereby, I will be badly deceived, but do not understand that you are getting my boy with that proposition."

His defenders on this floor attempt to defend Judge English's position by saying he told Ackerman:

But do not understand that you are getting my boy with that proposition.

But let us follow it up. What happened? Mr. Schlafly, chairman of the board of directors of that bank, testifies, on page 215—and it is uncontradicted—when he was asked as to any appreciable increase in the bankruptcy funds after Farris English came there and to what extent—

Well, from practically nothing, when they moved them up to the Drovers National Bank, they came back to a figure around seventy-five, eighty-five, or ninety-five thousand.

And later on in his testimony, gentlemen of the House, this same man testified to the fact that at one time the deposits went to $140,000. But they make a great ado about the fact that Judge English did not know anything about the 3 per cent commissions being paid on these funds to Farris English.

To my mind, gentlemen, the question as to whether Judge English knew anything about that or not or the question whether or not any commissions were paid to Farris English is not material at all in this case. To my mind Judge English's conduct in going to this man and practically saying to him, "If you will take my boy there, I will increase those deposits and ultimately make it the sole depository," was just as reprehensible and guilty, according to the way I look at those matters, as if he had gone to Schlafly himself and said to him, "I will have this money sent down there if you will pay commissions on it," and he had received the commissions himself.

It makes no difference if he knew nothing about the commissions, and it makes no difference if he knew nothing about the payment of them to Farris English. It was a corrupt act when he made the agreement to have those deposits put there in consideration of the employment of Farris English, his son.

And what right did he have to do it? That shows some more of the conspiracy out there, because under the law the depositing of bankruptcy funds is a matter for the trustee, so long as he deposits them in a regularly designated depository, yet Judge English, through his man Friday, Judge Thomas, just as soon as Farris English went in there, had the deposits sent there. Another thing about Farris English, to show what a great banker he was, is that according to the testimony of Mr. Schlafly, he had not been there so awfully long before he made a proposition to try and buy a controlling interest in that bank, which was capitalized at that time at $300,000.

That is the testimony. To my mind, taking those facts into consideration, English's own testimony and the testimony of his own attorneys is sufficient to convict him in the mind of any fair-minded man.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. DOMINICK. I will.

Mr. BLANTON. With reference to the system that has been growing up throughout the country whereby Federal judges have their special friends, just a few of them, one or two, appointed as trustees and receivers in the cases where these big fees are paid. You understand, I am not discounting what Judge English has done, but is not that just as reprehensible as to put his boy in a bank?

Mr. DOMINICK. I think it is.

Mr. BLANTON. And that system is growing up throughout the country with many of the Federal judges.

Mr. DOMINICK. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. VESTAL). The gentleman has one minute remaining.

Mr. WEAVER. Mr. Speaker, I yield to the gentleman 10 minutes additional.

Mr. DOMINICK. There is one other matter I want to touch on, and that is the bringing in of these sheriffs and State's attorneys before him at East St. Louis. The minority says there is no record of any summons or subpœna issued in this matter. It has been pointed out that a regular witness warrant was issued in a criminal case, and this fact was sworn to by three witnesses, placed in the hands of the marshal, and those men were brought in there under technical arrest. It was not a case, gentlemen of the House, of calling men in for the purpose of having a conference. Oh, no; that would have been entirely proper.

When lawlessness exists I see no impropriety whatever in the Federal and the State authorities having conferences and trying to put down lawlessness, but when a judge sends out the process of his court and brings State officers before his court and then herds them like cattle in the jury box and proceeds to give them a lecture, that, to my mind, is just about as high-handed and tyrannical a proposition as could well be imagined.

I will not discuss the matter of whether he used vile language or not, but his own attorney, Mr. E. C. Kramer, says that he used at that time the word "damn" several times but he did not recall whether he used the vile epithets or not. Suffice it to say that instead of conferring with these attorneys and sheriffs he proceeds to "strut his stuff" on the bench and give them lectures and then sends them back home—officers, if you please, elected by the sovereign voters of the State of Illinois, haled into court under process of the Federal court and there insulted, and you might say, degraded and disgraced in the presence of these people.

Mr. CRISP. Will my friend yield?

Mr. DOMINICK. Yes.

Mr. CRISP. Did those officers testify the judge used this obscene language?

Mr. DOMINICK. Yes, sir; all three of them, and I think all six of them. Some of them were a little hazy as to the exact language. I have refrained from going into the language because I want to try to show by the record of the testimony of Judge English himself and the record of testimony which has not been denied by Judge English that he is guilty and should be impeached.

Mr. ALMON. I do not know that it make any difference, but was the court in open session or not?

Mr. DOMINICK. There is some question about that and I do not know that it makes any difference. A judge is a judge and he was acting or attempting to act in his judicial capacity.

A great deal has been made of the fact that C. B. Thomas, Judge Thomas, was not called to the stand. I wish he had been called. I was glad some members of the committee insisted on his being called, but it seems one reason he was not called by the Government was on account of the fact that there seems to be a general idea prevailing not only there but throughout the country that if a man who is charged with committing some offense against the Federal Government is called upon to testify before a grand jury or before a congressional committee he is immune from prosecution and indictment. This seemed to be the idea in the mind of Mr. Dennis, who was representing the committee; but nothing is further from the fact. I think there are only two instances where a man is immune from prosecution in the event he testifies in a case in which he is involved. One is under the antitrust act—and, Mr. Chairman, will you tell me what the other instance is where a man is immune from prosecution if he so testifies?

Mr. GRAHAM. The interstate commerce act.

Mr. DOMINICK. Yes; one is under the antitrust act and the other is under the interstate commerce act. But he was not called. The testimony is that at the beginning of the hearings and throughout the hearings C. B. Thomas sat there practically at the counsel table of Judge English's attorneys until the last day. The committee did not call him, neither did the attorneys for Judge English, and yet there were Judge English and his attorneys sitting there with these charges, these insinuations, pending against them and upon which sworn testimony had been given before the committee, the insinuations and charges and evidence all revolving around C. B. Thomas and his connection with Judge English and the court, and yet Judge English under these charges and under these indictments, if you please, when he had the opportunity to call to the stand his bosom friend, a man who by his largesse had received anywhere from $40,000 to $50,000 or $60,000 a year, when he had the opportunity to call this friend who could explain, if they could be explained, these charges, he did not call him, and C. B. Thomas was as silent as a tomb. Does this picture, as it has been called in this case, show the great, able, upright, and incorruptible judge that his defenders yesterday and to-day have endeavored to paint for you?

Mr. OLIVER of New York. Is it not a fact that they were contemplating an indictment against Mr. Thomas and they did not want him to take the stand for fear of immunity?

Mr. DOMINICK. I have stated that was the reason, but there was nothing in it. The only immunity that Thomas could get was in the event that some district attorney went to him and said if you will turn State's evidence I will not prosecute you.

Mr. OLIVER of New York. Why did not the committee call him?

Mr. DOMINICK. I have told the gentleman. The attorney for the committee gave that as a reason. I might ask you why did not Judge English or his attorneys call Judge Thomas?

Mr. NEWTON of Missouri. Does the gentleman think that under the circumstances, with the evidence against him, he would be willing to be bound by Judge Thomas's testimony?

Mr. DOMINICK. I can not go into the realm of speculation. I am trying to confine my remarks to the record and my understanding of the English language.

Now there are other features of the case that I would like to go into, but owing to the fact that I have had only a limited time I have had to cut my speech or my garment according to the cloth I have. I thank you, gentlemen, for your patience and careful attention to my remarks after a six hours' session and so late in the afternoon. [Applause.]

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present.

Mr. TILSON. I hope the gentleman from Texas will not do that. There is only one more speech, and there are so many Members that would like to finish the debate to-morrow.

Mr. BLANTON. Very well, Mr. Speaker, I will withdraw the point.

Mr. GRAHAM. Mr. Speaker, I yield 10 minutes to the gentleman from South Dakota [Mr. CHRISTOPHERSON].

Mr. CHRISTOPHERSON. Mr. Speaker, on yesterday the gentleman from Illinois [Mr. HOLADAY], in a very splendid speech in defense of Judge English, found it necessary to wander outside the record and interject matters in this case which had not been presented before. I thought that was somewhat strange, in view of the fact that before the special committee that made this investigation Judge English was represented by eminent counsel of many years' experience and a thorough knowledge in the trial of cases.

This new matter had not been presented to the committee in any form; nor had it been argued or urged in behalf of the Judge in any manner. In this new matter outside of the record we are considering an attack was made on the attorneys that were disbarred—Karch and Webb. I maintain that that is wholly outside of the question, wholly beside the question, as to what was the character and standing at the bar of these attorneys. The real question in issue is whether or not Judge English proceeded in a lawful or unlawful manner, whether he was oppressive, autocratic, and tyrannical in his conduct toward these men. I maintain that he was in the extreme.

No matter what the status of these gentlemen was, not admitting that there was anything wrong, but on the contrary the evidence indicates that there was not a blemish against them. Karch had been elected a member of the house of representatives of his own State and had been further honored by appointment by the President of the United States to the office of district attorney for the eastern district of Illinois, and served with distinction in that position; a man of ability and learning and who had demonstrated that he could maintain his dignity under very trying circumstances. Now, what occurred on that morning—I hesitate to allude to these matters, as they have been discussed very freely during the day, but there are a few points in relation to these disbarment cases I wish to clear up.

Gentlemen should bear in mind that on the particular morning when Mr. Karch was disbarred, knowing the judge's attitude toward the request for trial by jury, Karch had reduced his motion to writing, a short motion, asking for a trial by jury. This in order that he would have a record for an appeal if necessary. This motion he presented to the court and seated himself in the court room. A few minutes after, while he was making no disturbance or interfering with the business of the court in any manner, he was hauled up before the court and disbarred, without any charges being preferred, any hearing or opportunity given to defend himself, such conduct I say, if permitted or sanctioned, can only lead to judicial tyranny and judicial autocracy which the people of this liberty-loving land will not and should not be expected to endure.

About the other man Webb, what had he done? Just a word in regard to this prisoner. It makes no difference to me whether he was a criminal of the worst type or not. The fact is that Judge English had tried him in his court and had turned him over to the State authorities. When Mr. Webb returned to his home town of East St. Louis he found a message asking him to call upon this prisoner in the jail, which he did. He went there and learned from the chief of police, who had custody of the prisoner, that this Gardner had been tried in the Federal court, where he had been acquitted, and Federal Judge English had turned him over to the chief of police of the city. What inference would any man sensibly draw from that situation? He would arrive at the conclusion, of course, that the Federal court had divested itself of any further right to him; that it had surrendered him and had no further claim upon him. That would be the natural inference, and Mr. Webb proceeded as any attorney would. He went into a State court and secured a writ and thereby secured the prisoner's release. There is not even an excuse for criticism of Webb, much less disbarment. As has been pointed out so many times to-day, the right to practice law is a vested right. The judge might just as well have deprived these gentlemen of their house or their automobile, or their bank account as to deprive them in that manner, without due process of law, of their right to earn a livelihood at the bar.

Place yourselves in the position of Webb and of Karch; then ask yourself whether or not you approve that treatment, whether you are going to subscribe to that form of tyranny in the courts of our land.

Something has been said here this afternoon about why other attorneys have not complained of this judge. Having in mind the experience of Webb and Karch before that judge, it would be indeed a bold attorney, a foolhardy one, who would attempt to cross the temperament of that judge. A Federal judge is clothed with vast power and far-reaching authority, and it would be a bold attorney who would try to take issue with him, having fresh in mind the irascible tendency of this judge. It required a great newspaper, of vast fortune, to bring this judge's methods to the public's attention. I say that the Post-Dispatch rendered a public service in bringing to the public notice the conditions as they prevail in that district.

It was my privilege to serve on the special committee that made the investigation in this case, but it is not my purpose to enter upon any lengthy discussion of the facts. You have listened to many splendid addresses, analytical of the testimony. Further, the report of the committee concisely states the facts on which these articles of impeachment are based. I merely wish to give you very briefly the conclusion that I arrived at after listening to the testimony and considering it subsequently.

First, it is my firm belief, based on this testimony, that Judge English is temperamentally unfit for any judicial office. That is my belief because of the language which he used in the court frequently and on divers occasions, language entirely foreign to the court room, language that could but bring reproach upon himself and the court over which he had been chosen to preside. Attorneys testified it was not the common practice nor the custom to use that kind of language in the courts of Illinois, and well can I believe that Judge English stood in a class by himself in the use of such language as he indulged in.

Second, I say that Judge English is tyrannical in the extreme. Disbarring attorneys arbitrarily and without cause, threatening newspaper reporters and jurors, all show a disposition to tyranny and usurpation of power. You will remember what he said to the jury at the time Mr. Ely was examining a jury. He said that if a jury did not find a prisoner guilty when he told them to he would send the jury to jail for contempt.

Let such a statement go out through the newspapers and be read by jurors coming to his court at subsequent terms of court, and it would be a strange jury that would not follow his dictates in criminal cases. He in this manner usurped the function of the jury in his court. He was tyrannical, and his methods and practices would lead to a form of judicial tyranny in this country.

Third, and last, I believe, based on the testimony in that record, that Judge English is corrupt. His many deals with his close friend, Judge Thomas, the man whom he appointed referee, deals that are clouded in mystery to say the least, indicate that he at least knew what was going on and was permitting this referee—yes, conniving with him—to gain profit in that office, running up as high as $60,000 or $70,000 a year. Is it possible that we will uphold such conditions in the courts of our land? Certainly not. When you vote on this pending resolution, and you will vote upon it very soon, you must consider whether you are going to take the acts detailed in this record of Judge English over a period of six years and say that that kind of conduct is permissible in the courts of our land. If you vote against this resolution, you give approval to the conduct of this judge as detailed in this book of testimony. There were some 50 witnesses who appeared before this committee, and Judge English contradicted almost every one of them on important parts of the testimony, contradicted them flatly. Is it possible that all of these witnesses were so grossly mistaken in the facts? Think about it. If Judge English in his testimony is correct, all the other witnesses are in error. Draw your own conclusion.

So far as I am concerned, my path of duty in this matter is as clear as crystal, and it is to vote for impeachment and bring this judge before the bar of the Senate sitting as a High Court of Impeachment there to answer to these articles; and so, Members of this House, let us, when we come to vote, speak in no unmeasured terms upon the question of the conduct of judges and courts in this land, and let us call a halt upon practices such as are herein delineated. [Applause.]

HOUR OF MEETING TO-MORROW

Mr. GRAHAM. Mr. Speaker, I ask now unanimous consent that when the House adjourns it adjourn to meet to-morrow at 11 o'clock instead of 12 o'clock.

Mr. MOORE of Virginia. Mr. Speaker, a while ago I stated I should make objection to that request, but since then I have arranged so as to be relieved of the embarrassment that would occur to me if the House met at 11 o'clock, and so I do not make any objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. CELLER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Pennsylvania when he expects to get a vote on this proposition?

Mr. GRAHAM. To-morrow afternoon some time.

Mr. CELLER. I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Connecticut a question. May we expect to have a recess from to-morrow night until Monday?

Mr. TILSON. Mr. Speaker, if this case is finished to-morrow, I promise the gentleman that I shall ask the House to adjourn over until Monday; that is, if it is finished to-morrow.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED

The SPEAKER pro tempore laid before the House bills of the following titles, which had been signed by the Speaker:

H. R. 3834. An act to amend section 65 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 4761. An act to amend section 9 of the act of May 27, 1908 (35 Stat. L. p. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes; and

H. J. Res. 147. Joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Soil Science to be held in the United States in 1927.

LEAVE OF ABSENCE

By unanimous consent, Mr. DOYLE was granted leave of absence, for two weeks, on account of important business.

ADJOURNMENT

Mr. GRAHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Thursday, April 1, 1926, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 1, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON BANKING AND CURRENCY

(10 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

Authorizing preliminary examinations and surveys of sundry streams, with a view to the control of their floods (H. R. 10722).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Providing for the appointment of a diplomatic representative to the National Republic of Georgia (H. J. Res. 195).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

Incorporating the National Institute of Social Sciences (H. R. 10357).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

To extend the civil and criminal laws of the United States to Indians (H. R. 7826).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam, excavation, dredging, drainage, or other construction project (H. R. 8902).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

Report of the Passaic River, N. J., submitted in House Document No. 284.

Scheduled for April 8, 1926

WAYS AND MEANS COMMITTEE

(10.30 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian (H. R. 10820).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 199. A resolution providing for consideration of H. R. 9690, a bill to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith; without amendment (Rept. No. 731). Referred to the House Calendar.

Mr. ARENTZ: Committee on the Public Lands. S. 3595. An act to authorize the exchange of certain patented lands in the Grand Canyon National Park for certain Government lands in said park; without amendment (Rept. No. 732). Referred to the Committee of the Whole House on the state of the Union.

Mr. DRIVER: Committee on the Public Lands. H. R. 9725. A bill to promote the production of sulphur upon the public domain; with amendment (Rept. No. 733). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 10773. A bill to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes; without amendment (Rept. No. 734). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 10860. A bill to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes; without amendment (Rept. No. 742). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 9212. A bill authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of $20,020.60 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county by the Government of the United States; with amendment (Rept. No. 743). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 1809. An act to extend the time for the construction of a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.; without amendment (Rept. No. 744). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9724. A bill declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream; with amendment (Rept. No. 745). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9758. A bill granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.; with amendment (Rept. No. 746). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 10001. A bill authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J.; with amendment (Rept. No. 747). Referred to the House Calendar.

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 10090. A bill granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or below Halls Ferry or Musics Ferry, on the Missouri River; with amendment (Rept. No. 748). Referred to the House Calendar.

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 10164. A bill granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.; with amendment (Rept. No. 749). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 10169. A bill granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio; with amendment (Rept. No. 750). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 10351. A bill granting the consent of Congress to Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.; with amendment (Rept. No. 751). Referred to the House Calendar.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 10465. A bill granting the consent of Congress to the State of Rhode Island or to such corporation as the State of Rhode Island may grant a charter to construct a bridge across Mount Hope Bay at the mouth of the Taunton River between the towns of Bristol and Portsmouth, in Rhode Island; with amendment (Rept. No. 752). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 10470. A bill granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west; with amendment (Rept. No. 753). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on the Public Lands. H. R. 10489. A bill to perfect the homestead entry of John Hebnes; with amendment (Rept. No. 735). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 2313. A bill for the relief of Amos Dahuff; without amendment (Rept. No. 736). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 2316. A bill for the relief of John Clark; without amendment (Rept. No. 737). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 6921. A bill to correct the military record of James Perry Whitlow; without amendment (Rept. No. 738). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 9318. A bill authorizing the President to appoint James B. Dickson a second lieutenant of the Air Service in the Regular Army of the United States; without amendment (Rept. No. 739). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 8447. A bill for the relief of Thomas G. Peyton; without amendment (Rept. No. 741). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10423) granting a pension to Marshall Black; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10852) to extend the provisions of the act of Congress approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes," to Soloman Hopkins; Committee on Claims discharged and referred to the Committee on the Civil Service.

A bill (H. R. 10853) to extend the provisions of the act of Congress approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes," to Axel E. Johnson; Committee on Claims discharged, and referred to the Committee on the Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GASQUE: A bill (H. R. 10893) authorizing the transportation of all miscellaneous refuse collected in the District of Columbia to the workhouse or reformatory tract near Occoquan, Va., and its disposition at that place; to the Committee on the District of Columbia.

By Mr. McLEOD: A bill (H. R. 10894) to reimburse officers, nurses, and civilian employees of the United States Public Health Service and inmates of the United States Public Health Service hospital at Corpus Christi, Tex., for losses sustained as the result of a storm which occurred in Texas upon September 14, 1919; to the Committee on Claims.

By Mr. NEWTON of Minnesota: A bill (H. R. 10895) granting the consent of Congress to the Northern Pacific Railway Co., a corporation organized under the laws of the State of Wisconsin, to construct a bridge across the Mississippi River in the city of Minneapolis, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 10896) to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia; to the Committee on Military Affairs.

Also, a bill (H. R. 10897) to permit meetings of societies, benevolent, educational, etc., organized under the laws of the District of Columbia, to be held outside of said District; to the Committee on the District of Columbia.

By Mr. SWING: A bill (H. R. 10898) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 10899) to provide for the regulation in the District of Columbia of solicitation for charitable and benevolent causes, and for other purposes; to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 10900) to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $30,000 for the purpose of improving the town's waterworks system; to the Committee on the Territories.

Also, a bill (H. R. 10901) to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska; to the Committee on the Territories.

By Mr. LEAVITT: A bill (H. R. 10902) to amend Public, No. 292, Sixty-eighth Congress, to provide for the payment of water charges in connection with Indian irrigation projects; to the Committee on Indian Affairs.

By Mr. BROWNE: A bill (H. R. 10903) to prevent pollution of navigable streams and waters tributary to navigable streams and to protect fish life; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10904) to provide for the conduct of scientific investigations by the Forest Service to discover economically practical methods of the disposal of the waste materials of pulp and paper mills without polluting streams, and for other purposes; to the Committee on Agriculture.

By Mr. SNELL: Resolution (H. Res. 199) providing for the consideration of H. R. 9660, a bill to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Municipal Council of San Manuel, Tarlac, P. I., reiterating its stand for complete and absolute Philippine independence and protesting against any action to curtail the powers of the Philippine Legislature; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE: A bill (H. R. 10905) granting an increase of pension to Harriet E. Chapel; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 10906) granting an increase of pension to Fannie Mainster; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 10907) granting an increase of pension to Elizabeth Harbison; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 10908) granting an increase of pension to Mary J. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting an increase of pension to Elizabeth H. Wayland; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 10910) granting an increase of pension to Mary Morgan; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 10911) granting an increase of pension to Marie E. Clark; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 10912) for the relief of Horace S. Johnston, late lieutenant (junior grade) Supply Corps, United States Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. LOZIER: A bill (H. R. 10913) granting a pension to Lafayette Brashear (Lafayette Brashears); to the Committee on Invalid Pensions.

Also, a bill (H. R. 10914) granting an increase of pension to Alice M. Esty; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 10915) granting an increase of pension to Susey Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10916) granting an increase of pension to Catharine Seitz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10917) granting an increase of pension to Lucy A. Raffensperger; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 10918) for the relief of Milton A. Spotts; to the Committee on Naval Affairs.

By Mr. PATTERSON: A bill (H. R. 10919) granting an increase of pension to Sarah Jane Dilks; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 10920) granting an increase of pension to Elizabeth Link; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 10921) granting an increase of pension to Catherine Lain; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 10922) granting a pension to Aaron Angle; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 10923) granting an increase of pension to Esther Carpenter; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10924) granting an increase of pension to Jane Martin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1583. Petition of Frank P. Mulderig, Coldwater, Mich., asking the whereabouts of the Redbud Shoe Co., Redbud, Ill., adjudged bankrupt by Judge George English; to the Committee on the Judiciary.

1584. Petition of residents of Muskogee, Okla., asking for adverse action on House bills 7179 and 7822; to the Committee on the District of Columbia.

1585. By Mr. BRIGHAM: Petition of Edward H. Jones, commissioner of agriculture for the State of Vermont, Montpelier, Vt., favoring the passage of House bill 5677, to fix the standards for hampers, round stave, and split stave baskets for fruit and vegetables; to the Committee on Coinage, Weights, and Measures.

1586. By Mr. DAVENPORT: Petition of certain residents of Oneida County, N. Y., protesting against the passage of House bills 7179 and 7822, and similar bills, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1587. By Mr. GALLIVAN: Petition of Edward F. McClennen, 161 Devonshire Street, Boston, Mass., recommending early and favorable consideration of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

1588. By Mrs. KAHN: Petition of Shipowners' Association of the Pacific Coast, San Francisco, Calif., urging the Government of the United States to continue the work of building a harbor of refuge at Crescent City, Calif.; to the Committee on Rivers and Harbors.

1589. Also, petition of Corporal Harold W. Roberts Unit, No. 6, United Veterans of the Republic, San Francisco, Calif., urging that an investigation be made of the fraudulent practices being carried on against the naturalization laws of the United States; to the Committee on Immigration and Naturalization.

1590. By Mr. KELLY: Petition from the Chamber of Commerce of Pittsburgh, Pa., protesting against the creation of regional commerce commissions; to the Committee on Interstate and Foreign Commerce.

1591. Also, petition from the Oakmont Methodist Episcopal Church, of Oakmont, Pa., urging the strict enforcement of the eighteenth amendment; to the Committee on the Judiciary.

1592. By Mr. MORROW: Petition of Raton (N. Mex.) members of the Slovene National Benefit Society, protesting against the enactment of the Aswell bill to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

1593. By Mr. O'CONNELL of New York: Petition of the Great Lakes Harbors Association, opposing legislation that may sanction the diversion or abstraction of waters likely to lower the levels of the Great Lakes and thus impair the commerce thereon; to the Committee on Rivers and Harbors.

1594. Also, petition of United German Societies of the City of New York, favoring the return of approximately $2,500,000 derived from property of Germans to its rightful owners; to the Committee on Interstate and Foreign Commerce.

1595. By Mr. Phillips: Petition of citizens of Butler and Allegheny Counties, Pa., asking Congress for an acknowledgment of the authority of Christ and of the law of God in the Constitution of the United States; to the Committee on Foreign Affairs.

1596. By Mr. SWING: Petition of certain residents of Escondido, Calif., protesting against the passage of House bills 7179 and 7822, and similar bills for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1597. By Mr. TILSON: Petition of Lubbock Chamber of Commerce, Lubbock, Tex., for the creation of the Lubbock division of the northern district of Texas; to the Committee on the Judiciary.

SENATE

THURSDAY, *April 1, 1926*

(Legislative day of Saturday, March 27, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. REED of Pennsylvania obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lenroot	Sackett
Bayard	Frazier	McKellar	Sheppard
Bingham	George	McLean	Shipstead
Blease	Gillett	McMaster	Shortridge
Borah	Glass	McNary	Simmons
Bratton	Goff	Mayfield	Smith
Brookhart	Gooding	Means	Smoot
Broussard	Greene	Metcalf	Stanfield
Bruce	Hale	Moses	Stephens
Butler	Harreld	Neely	Swanson
Cameron	Harris	Norris	Trammell
Caraway	Harrison	Nye	Tyson
Copeland	Heflin	Oddie	Wadsworth
Couzens	Howell	Overman	Walsh
Cummins	Johnson	Phipps	Warren
Curtis	Jones, N. Mex.	Pine	Watson
Dale	Jones, Wash.	Pittman	Wheeler
Dill	Kendrick	Ransdell	Williams
Edge	Keyes	Reed, Pa.	Willis
Fernald	King	Robinson, Ark.	
Ferris	La Follette	Robinson, Ind.	

Mr. CURTIS. I desire to announce the absence of my colleague [Mr. CAPPER] on account of illness in his family.

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily absent on public business and that the Senator from Rhode Island [Mr. GERRY] is detained from the Senate by illness.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. The Senator from Pennsylvania [Mr. REED] is entitled to the floor.

Mr. RANSDELL. Mr. President, will the Senator from Pennsylvania yield to me a moment to submit a report?

Mr. REED of Pennsylvania. I yield.

AMENDMENT OF PLANT QUARANTINE ACT

Mr. RANSDELL. From the Committee on Agriculture and Forestry I report back favorably with amendments the joint resolution (S. J. Res. 78) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes, and I submit a report (No. 519) thereon. I desire to ask unanimous consent for its present consideration. I will say to the Senator from Pennsylvania